



# MAYOR AND COUNCIL WORKSESSION

NO. 2

DEPT.: Community Planning and Development Services DATE: September 15, 2004

CONTACT: Cas Chasten

**SUBJECT FOR DISCUSSION:** Discussion of the application, Preliminary Development Plan Amendment Application PDP1994-0001E, Rockville Renaissance West LLC c/o Akridge Development Company at a joint worksession with the Mayor and Council and Planning Commission.

**ORDER OF DISCUSSION:**

1. Staff Introduction
2. Applicant Presentation
3. Issues Discussion

**GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED:** The property is one of five parcels that collectively make up the originally approved Rockville Center Preliminary Development Plan (PDP) area. The overall PDP site area, as approved by the Planning Commission on April 27th 1994, is bounded to the north by East Middle Lane to the east by Rockville Pike (Md. Route 355), to the south by East Montgomery and the Regal Cinemas and to the west by Maryland Avenue. Under the previously approved PDP each of the five parcels that make up the overall project area, were approved for specific land uses, i.e., office, retail, residential, etc. The block/parcel, which is the subject of this PDP amendment application is identified as Block 3/Parcel 2-J and is designated for office and retail.

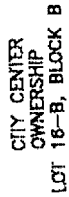
The subject property is rectangular in shape, approximately 1.8 acres in size, and zoned TCM-2 (Town Center Mixed Use – 2). It is currently developed as a surface parking lot containing 203 vehicular parking spaces. The property owner/applicant is requesting that the Mayor and Council and Planning Commission amend the PDP land use designation of the subject parcel from office and retail to residential and retail land use.

Thus, in lieu of constructing an office building with ground floor retail space, the applicant proposes to develop a high-rise residential (condominiums) development, with ground floor retail space. Details about the currently approved height, square feet, etc and the proposed development are included in the attached memo. The attached memorandum also includes information about the transition and development agreement between the City and RCI.

The purpose of the worksession between the Mayor and Council and Planning Commission is to allow staff and the applicant to brief the Mayor and Council and Planning Commission on the proposal. The Mayor and Council and Planning Commission can then discuss concerns and issues regarding the amendment request, identify any additional information deemed important to be considered in the formal processing of the request. To facilitate the discussion, staff has identified eight major issues and also provided preliminary comments and recommendations on those issues.

Final comments and recommendations will be made during the formal review process. No final decisions are expected from the Mayor and Council and Planning Commission at the joint worksession.

- LIST OF ATTACHMENTS:**
- A. Location Maps
  - B. Memorandum discussing the proposal
    - 1. Application
    - 2. Applicants response to shadow study
    - 3. Information about the transition and development
    - 4. Staff memorandum regarding traffic agreement
  - C. Diagram showing currently approved height and mass and proposed building mass
  - D. Elevations of the proposed buildings



THE TOPOGRAPHIC INFORMATION SHOWN IN EAST MIDDLE LANE AND NORTH IS FROM THE APPROVED DEVELOPMENT PLANS FOR ROCKVILLE TOWN SQUARE

EAST MIDDLE LANE



TRUCK ENTRANCE  
TO LOADING AREA

PARCEL 2-K  
ROCKVILLE TOWN CENTER  
P.No. 21457

RENAISSANCE STREET

MARYLAND AVENUE

PARCEL 2--H  
ROCKVILLE TOWN CENTER  
P.B. 185 P.No. 20464

PARCEL C-3  
ROCKVILLE  
TOWN CENTER  
P.B. 102  
P.No. 11610

PARCEL 2-F  
ROCKVILLE TOWN CENTER  
P.B.174 P.No.19531

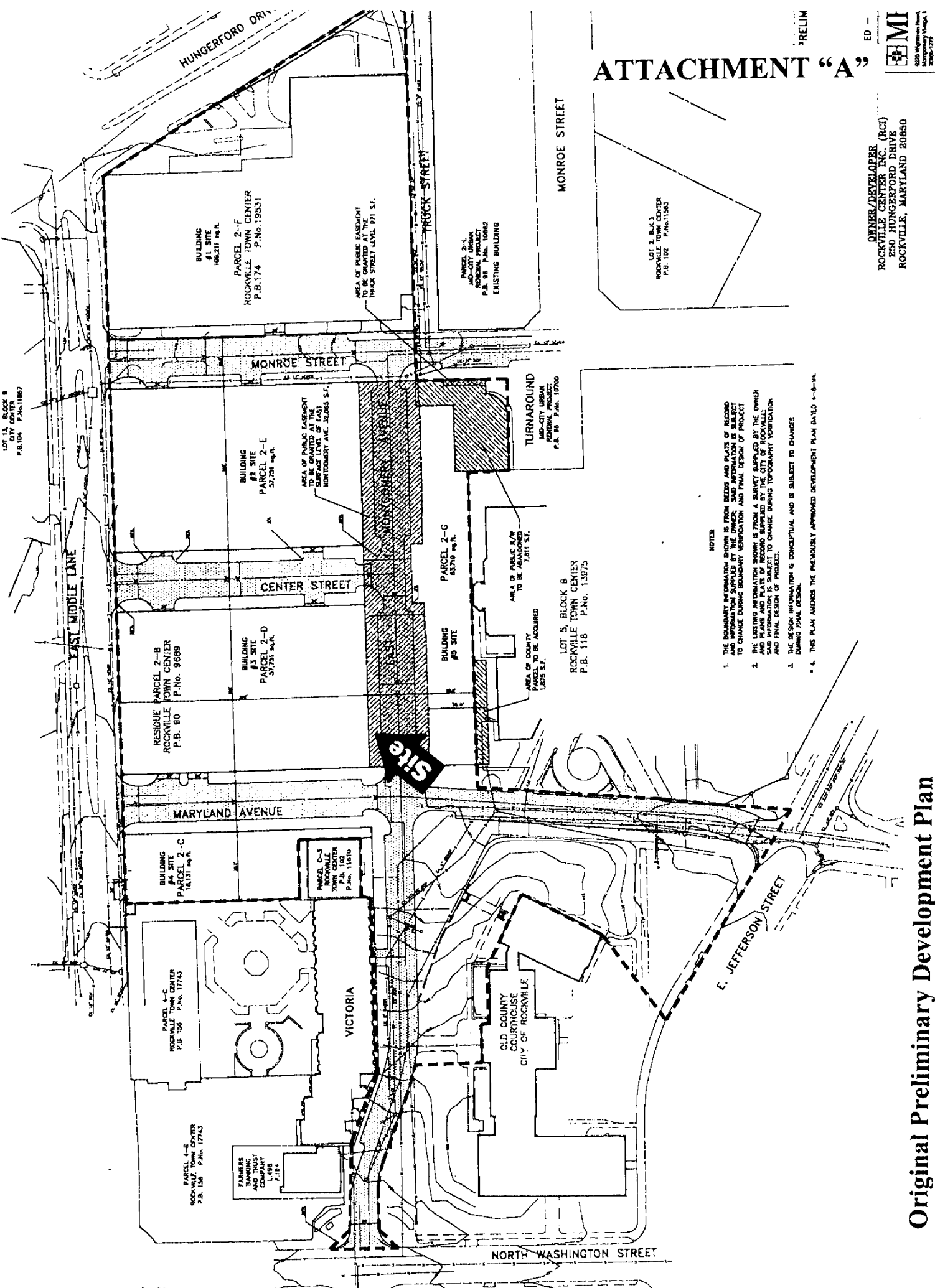
PARCEL 2-1  
MID-CITY URBAN  
RENEWAL PROJECT  
P.B. 96  
P.No. 10862

TRUCK STREET

EAST MONTGOMERY AVENUE

PARCEL 2-G

PL AT 20586



# ATTACHMENT "A"

PRELIM

ED -



OWNER/DEVELOPER  
 ROCKVILLE CENTER INC. (RCI)  
 250 HUNGERFORD DRIVE  
 ROCKVILLE, MARYLAND 20850

- NOTES
1. THE BOUNDARY INFORMATION SHOWN IS FROM DEEDS AND PLATS OF RECORD AND INFORMATION SUPPLIED BY THE OWNER. SAID INFORMATION IS SUBJECT TO CHANGE DURING BOUNDARY VERIFICATION AND FINAL DESIGN OF PROJECT.
  2. THE EXISTING INFORMATION SHOWN IS FROM A SURVEY SUPPLIED BY THE OWNER AND PLANS AND PLATS OF RECORD SUPPLIED BY THE CITY OF ROCKVILLE. SAID INFORMATION IS SUBJECT TO CHANGE DURING TOPOGRAPHY VERIFICATION AND FINAL DESIGN OF PROJECT.
  3. THE DESIGN INFORMATION IS CONCEPTUAL AND IS SUBJECT TO CHANGES DURING FINAL DESIGN.
  4. THIS PLAN AMENDS THE PREVIOUSLY APPROVED DEVELOPMENT PLAN DATED 4-8-84.

## Original Preliminary Development Plan



City of Rockville

## MEMORANDUM

September 14, 2004

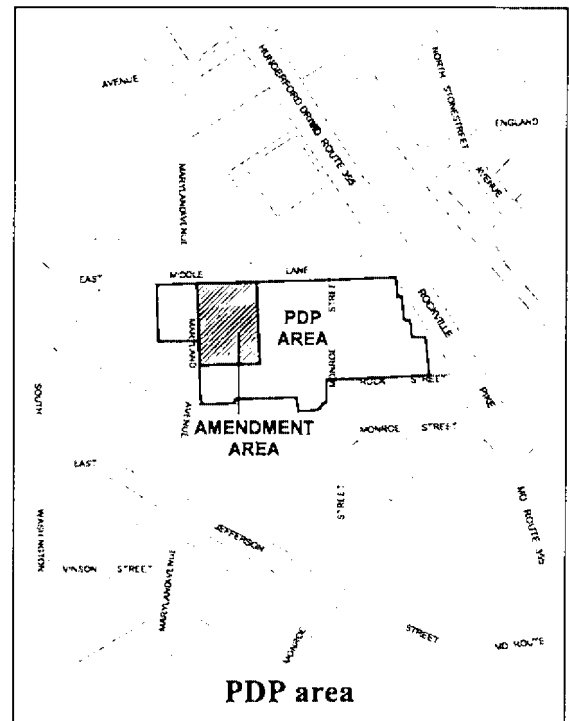
TO: Catherine Tuck Parrish, Acting City Manager

FROM: Cas Chasten, Planner III

VIA: Bob Spalding, Chief of Planning  
Art Chambers, Director of Community Planning and Development Services

SUBJECT: Worksession: Preliminary Development Plan PDP1994-0001E

This memo contains background information and highlights issues for discussion during the Planning Commission and Mayor & Council worksession. The application has been filed by Rockville Renaissance West LLC, through Akridge Development Company, as an amendment to the approved Preliminary Development Plan (PDP) for Rockville Center. The Rockville Center PDP consists of five blocks that comprise the site of the former Rockville Mall, and now contains the Regal Theaters building and parking lot, the 255 Rockville Pike building, and the small surface parking lot that contains the temporary bank office on Maryland Avenue. The property subject to the amendment is referenced herein as Block 3/Parcel 2-J, bounded by East Montgomery Avenue, Maryland Avenue, East Middle Lane, and the proposed Renaissance Street. The result of this amendment will be a modification of the mix of approved land uses and total amount of development within the approved PDP, as well as the required number of parking spaces.

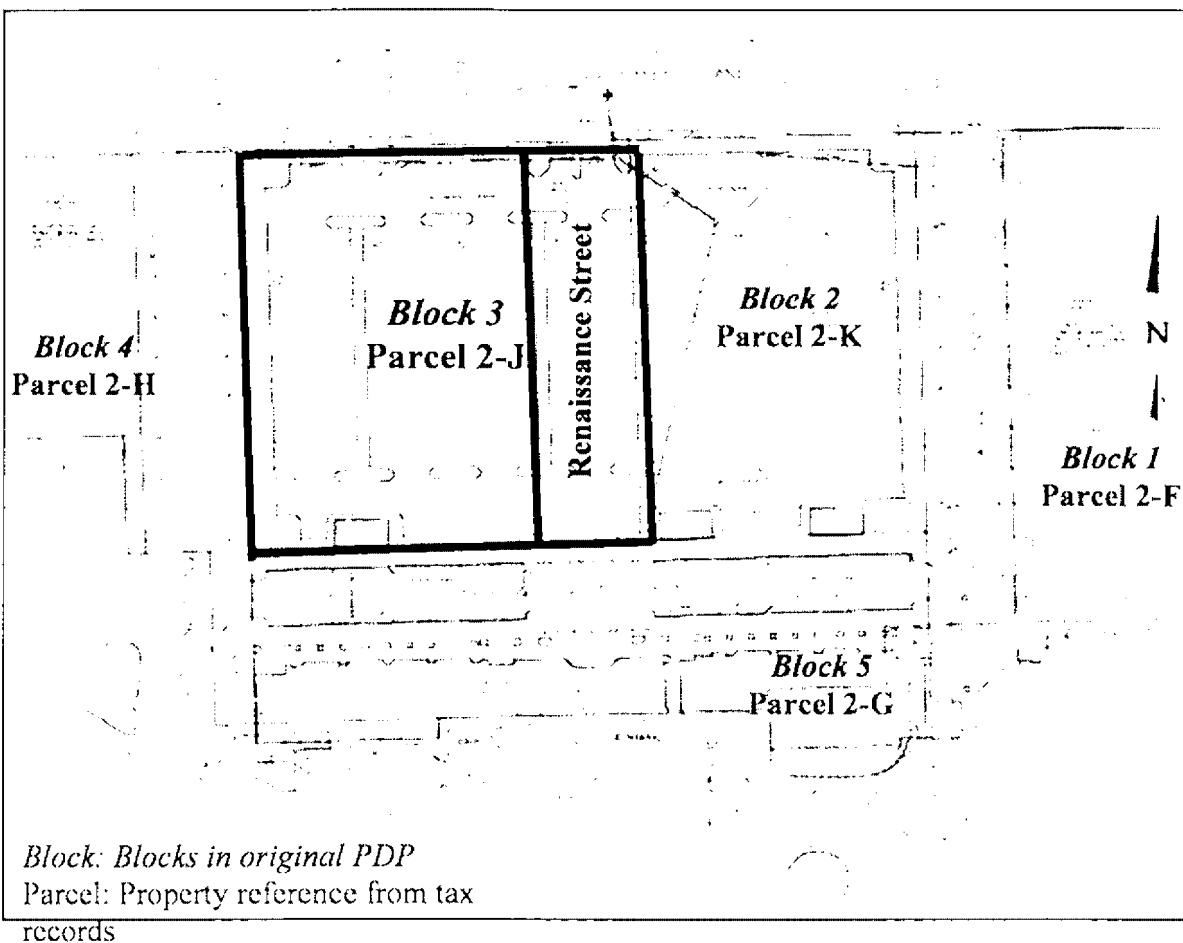


This worksession results from the requirement adopted in Text Amendment TXT2004-00212 that modified the approval procedures for all optional method of development applications in the City, including the preliminary development plan (PDP) process in the Town Center. The new process requires a joint worksession with the Mayor and Council and Planning Commission

before or soon after the filing of an application. Because this application was filed prior to that requirement, the project is farther along in the development review process. Typically, the joint worksession would be held earlier in the process, soon after the application is filed.

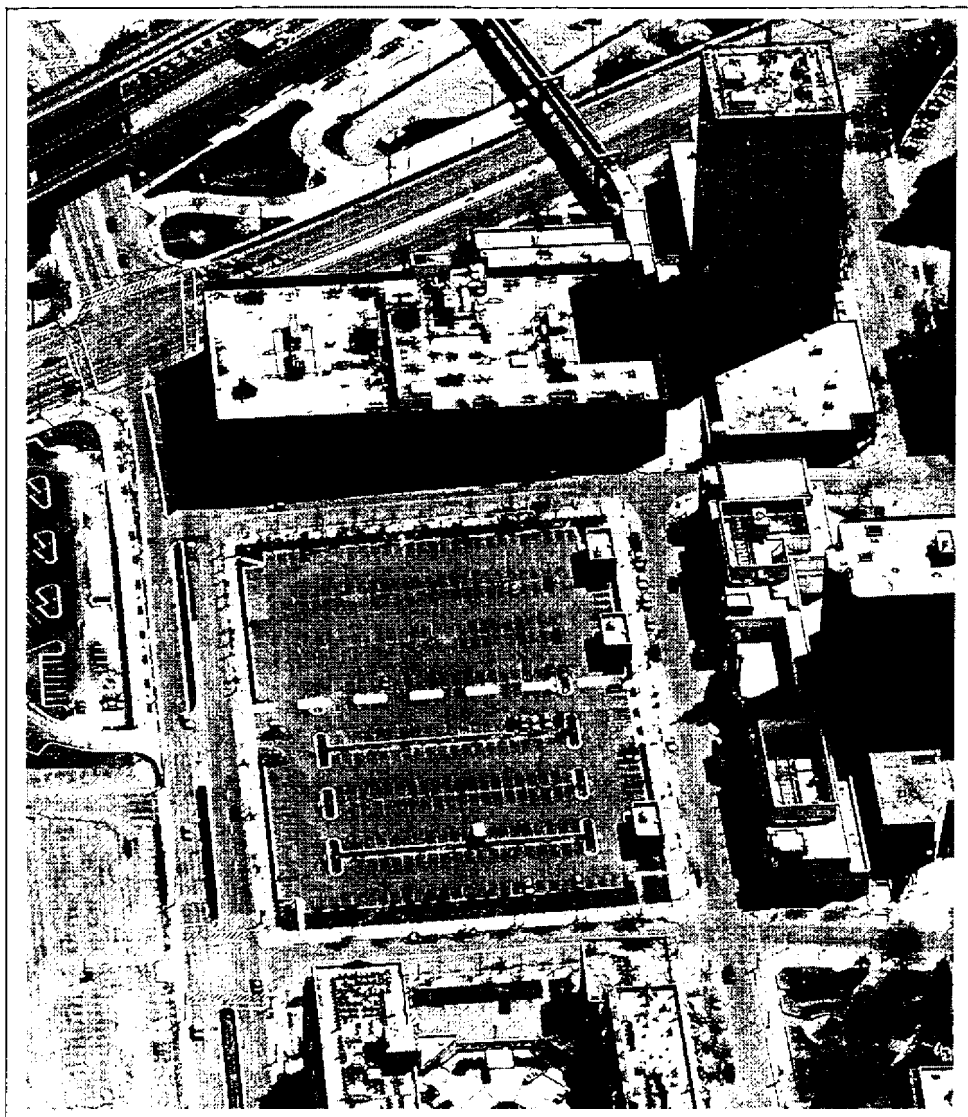
### REQUEST:

The application as submitted, is an amendment to previously approved Preliminary Development Plan for the Rockville Center Project (PDP94-0001), as amended. The subject amendment is a proposal to redevelop Parcel 2-J or Block 3, as referenced in the originally approved PDP, from its previously approved land use of "office and retail" to a mixed use development of primarily residential, with street level commercial, residential amenity facilities, and structured parking facilities. The currently approved PDP allowed 362,875 square feet of office and 37,750 square feet of retail. The requested amendment would allow 17,340 square feet of retail and 299 dwelling units. Of the 299 dwelling units, 45 would be MPDUs.



Existing Site Layout

### Aerial Overview of Site (Parcel 2-J)



### Property/Site Description

The overall Rockville Center project includes five blocks within Town Center. The subject property is rectangular in shape, approximately 78,933 square feet (1.8 acres) in size, and currently improved as a surface parking lot containing approximately 203 vehicular parking spaces. The property is bounded to the north by East Middle Lane and currently developing Town Square project, to the east by office uses located on Monroe Street, to the south by the Regal Theater and accompanying commercial land uses along East Montgomery Avenue, and to the west by office, institutional, and residential land uses located along Maryland Avenue. The subject site (Parcel 2-J) also includes the Renaissance Street public use surface easement, which separates the site from Parcel 2-K, which is also an improved surface parking facility. The

easement area totals 17,740 square feet and is expected to serve in part as pedestrian space and as a vehicular ingress/egress to the proposed site development.

Development utilizing the optional method of development in the TCM-2 (Town Center Mixed-use) zone is approved in a two-step process. The first step is the preliminary development (PDP) plan and the second step is a use permit. The PDP establishes overall development program at a concept-plan level. In the case of Rockville Center, the property is also subject to the Provisions of the Transition and Development Agreement (See Attachment 3).

## **ISSUES WHERE FEEDBACK IS REQUESTED**

As noted, the application proposes a change in the approved land uses for Block #3, covered by the Preliminary Development Plan approved for Rockville Center, Incorporated (RCI). The applicant (Rockville Renaissance West LLC, Inc.) has an interest in Block #3/Parcel 2-J, with a development option on Block 2/Parcel 2-K. Tower 2 Associates, Inc. owns Block 2/Parcel 2-K. As such, the scope of the amendment is limited to Block #3/Parcel 2-J. The development totals for the entire project will be amended based on what is approved by the Mayor and Council for this block.

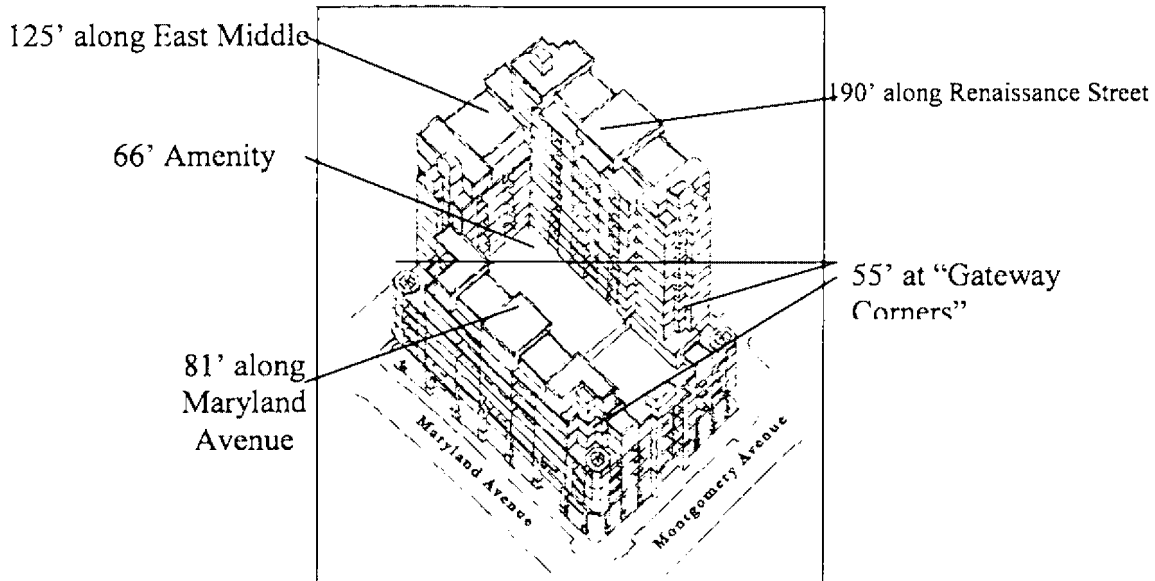
**1. Mix of Uses.** A total of 1,261,411 square feet of office space and a total of 137,841 square feet of retail space are approved for the overall PDP project area (ref. PDP94-001D). Prior approval allowed for 362,875 square feet of office space and 36,750 square feet of retail space to be developed on Block #3/Parcel 2-J. The proposed amendment as submitted reduces the total amount of office space approved in the overall PDP by 362,875 square feet. Under the amendment as submitted, the applicant proposes to construct 17,340 square feet of retail space in lieu of the 36,750 square feet allowed to be constructed on Block #3/Parcel J. Lastly, under the subject request, the applicant proposes to construct 299 multi family dwelling units. There would be 45 MPDUs. Based on the increased residential emphasis in *Town Center Master Plan* and subsequent statements by the Mayor and Council and Planning Commission on other topics, it should be confirmed that this change from office to multifamily residential is desirable.

**2. Building Envelope.** The proposed amendment reduces the height and volume of the “loose sweater” that was approved in 1994. This provided for a 142-foot height along Maryland Avenue and a 212-foot height along Renaissance Street. The approved and proposed building heights comply with the maximum height (235 feet) permitted in the approved preliminary development plan on this site. The maximum height permitted in the TCM-2 zone is 235 feet, as measured from 448 feet above sea level. The Mayor and Council are currently considering a text amendment to modify the height measurement requirements to remove the ability to use the 448 feet of above sea level measurement point.

**A. Reduced PDP Building Height** - As proposed, building heights on this block would range from 55 feet for the “gateway corners” to 190 feet along Renaissance Street. The reduction in the height of the proposed project development would be in keeping with statements by the Mayor and Council and Planning Commission on building heights in



the Town Center. It will be the determination of the Mayor and Council and Planning Commission that this reduced height when compared to what is approved, is desirable.



### Illustrative Axonometric of Proposed Residential Development

**B. Building Massing** - The second issue associated with the building envelope is the massing of the buildings. Staff has heard a variety of comments regarding the difference between the proposed buildings and the other mixed-use residential buildings across Middle Lane and at the Victoria. The applicant has prepared a model of the proposal that can be attached to the Town Square model to make it easier to evaluate the relationship. The two basic concerns are the overall height of the tallest tower and whether the buildings should be closer together in height or maintain the current proposed variation. The applicant submitted the variation in height to provide a range of unit types, variety of views, visual interest and to reduce the bulk of the building, which would result if the whole block were uniform in height.

**C. Architectural Variety** - The third issue associated with the building envelope is whether the block should appear as a single, architecturally consistent development or appear to be comprised of multiple buildings built over time. Although the actual architecture is not approved during the PDP, staff believes it is appropriate to provide the applicant guidance on this issue to guide the preparation and review of the use permit. Consistent with the approach approved in the Town Square development, staff supports providing the appearance of multiple buildings of varying styles to provide the variety, visual interest, and appearance of a block that developed over time. It is important to note that the building styles should change at locations that make architectural sense. The varying street-level grades, varying building heights, and frontage on four streets provide a

number of options to achieve this goal. The Planning Commission and Mayor and Council should discuss this issue and provide direction.

**3. Renaissance Street.** The existing parking lot contains a private right-of-way with a public access easement that runs from East Montgomery Avenue to Middle Lane between the Regal marquee and the vehicular entrance to the parking lot. This street connection was required as part of the original PDP to provide vehicular and pedestrian circulation. The applicant has proposed shifting the emphasis of the right-of-way from the appearance of a street to that of a pedestrian area that will occasionally have vehicular traffic. The north and south ends will contain the vehicular access points to the parking garages that serve the residences (on the Middle Lane side) and the retail pavilion (on the East Montgomery Avenue side). The center section is proposed for a linear pedestrian plaza that would be a suitable location for art as recommended in the draft *Town Center Arts Master Plan*.

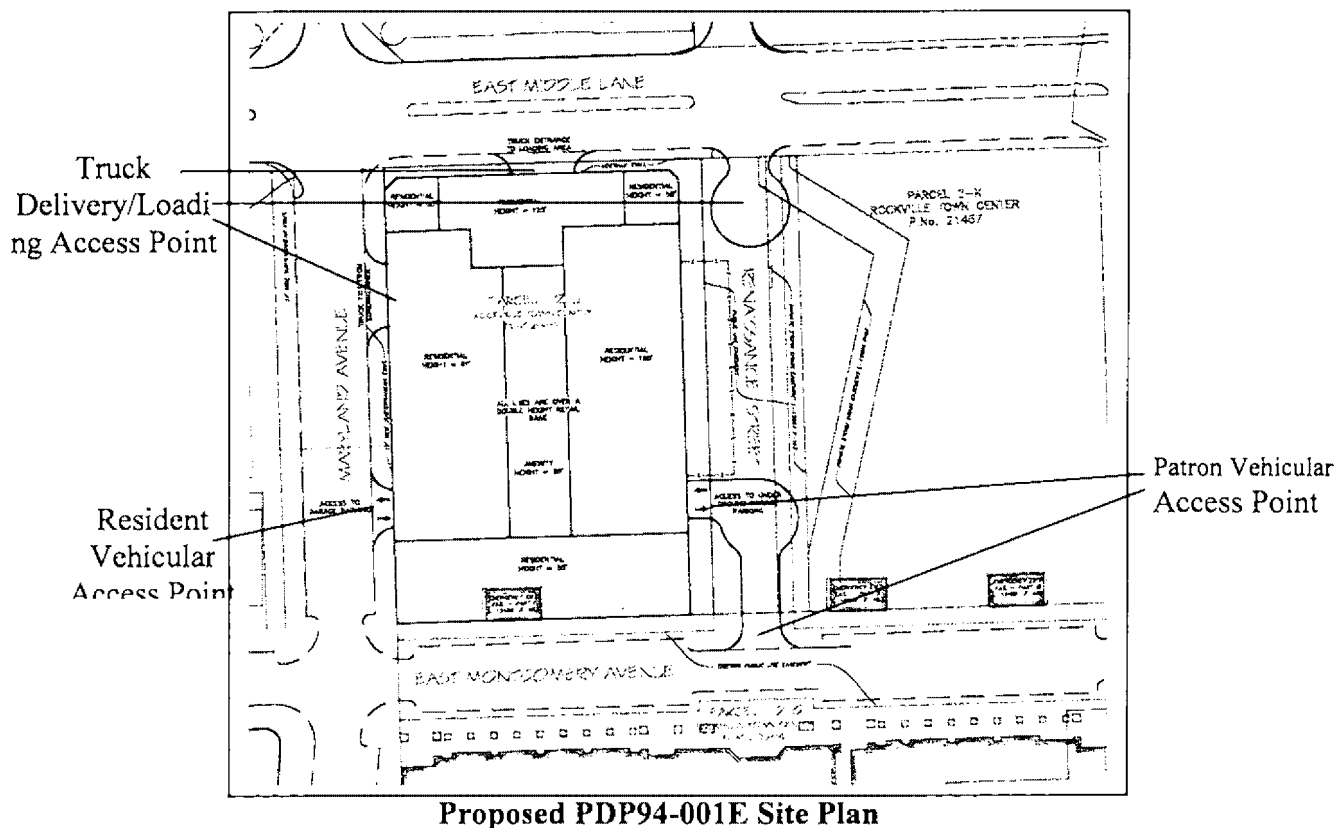
The Department of Public Works Traffic and Transportation staff has reviewed the proposal to determine if Renaissance Street is needed for ongoing vehicular circulation and capacity. DPW staff supports the design and has recommended that Renaissance Street be designed to accommodate through vehicle traffic for access to the parking garage when East Montgomery Avenue is closed off for events, as well as to allow for the possible future use of the street for vehicle traffic. The Mayor & Council and Planning Commission should discuss this issue and provide feedback.

**4. Sidewalk Widths.** The width of sidewalks has been an issue in the Town Square and KSI preliminary development plans. The *Town Center Master Plan* contains specific guidance on the distance from the face of the curb to the face of the building for Maryland Avenue (20-23 feet total with 15 foot pedestrian zone with sidewalk cafe) and North Washington Street (12-15 feet). The *Town Center Master Plan* does not contain specific guidance for sidewalk widths along East Montgomery Avenue, Middle Lane, or Renaissance Street. Sidewalks have already been constructed on three sides of the property as part of the Rockville Center development. As constructed, they provide ten (10) feet of pedestrian travel way and five (5) foot tree panels, next to the curb. During discussions of the recently approved PDPs, the goal has been to achieve at least 15 feet between building faces and the face of the curb in the Town Center. The applicant is aware of the concerns with regards to sidewalk widths in its development of the site and has committed to work with staff to ensure that all sidewalks comply with the goals of the Town Center Master Plan.

**5. Parking, Access, Site Circulation.** In conjunction with the original PDP approval, a 40% reduction in the number of spaces required for nonresidential uses granted by the Planning Commission and Mayor and Council in 1994. The approved PDP, under the optional method of development, also utilizes the shared parking calculation for uses at different times of the day allowed under Section 25-693 of the Zoning Ordinance. The parking requirements for uses in a PDP is based on these calculations for the entire PDP area.

Currently, there are 203 surface parking spaces on the subject site (Parcel 2-J) used in part to satisfy the parking requirements for the Retail Pavilion as well as the overall parking requirements of the PDP. During construction, sufficient parking per the Zoning Ordinance must be provided for all operating uses within the PDP even though the 203 spaces on the subject site will be removed. Access to spaces within Block 1 (255 Rockville Pike) will be necessary during the evening hours. To serve the new structure, the applicant proposes to construct a minimum of parking 722 spaces, contained in a structured facility, in order to maintain sufficient parking within the PDP. The configuration will comprise two below-grade levels with one ground level and multiple above ground level parking.

There will be two separate and exclusive access points proposed for separating resident and patron vehicles. Patrons of both the Retail Pavilion and retail uses within the project would access below grade parking via East Montgomery Avenue and Renaissance Street. Staff notes that both East Montgomery Avenue and proposed Renaissance Street are located within public use easements as opposed to being located within publicly dedicated rights-of-way. Residents would access above ground parking from Maryland Avenue. A loading area for both residential and retail uses is designed to have trucks enter along Middle Lane and exit onto Maryland Avenue. In addition, a cul-de-sac delivery area access is provided from Middle Lane onto Renaissance Street. The detailed design will be reviewed during the use permit review phase of the project.



**6. Reduction in Site Generated Vehicular Traffic.** The proposed development will contain 292 residential condominium units, 7 townhouse/loft type units, and 17,340 square feet of retail space. If approved, the subject proposal would replace the 368,575 square feet of office space and 36,750 square feet of retail space currently approved for the subject site/parcel. As per the traffic analysis provided by the applicant, the City's Traffic & Transportation staff have determined that under the approved office/retail plan for the subject site, there would be 258 vehicle trips generated in the a.m. peak hour and approximately 398 in the p.m. peak hour. However, under the amended residential/retail plan for the site, it is projected that 131 trips would be generated in the a.m. peak hour and 166 vehicle trips in the p.m. peak hour. Thus, under the subject proposal, there would be a reduction of 127 trips in the a.m. peak hour and 232 vehicle trips in the p.m. peak hour, generated from the proposed use when compared to the office/retail development currently approved for the site.

**7. Projected Student Generation from Proposed Site Development.** Montgomery County Public Schools will provide student projections from this proposed residential development, in its review of the application. As of this writing, those review comments and/or student projections have yet to be received by City staff. Staff will contact the MCPS Office of Planning prior to the upcoming Mayor & Council and Planning Commission work session to obtain student projections and other relevant information with regard to its analysis of the proposal.

**8. Shadow Impact Study.** In accordance with Section 25-682(4) of the Zoning Ordinance the applicant was required and did complete a shadow study which analyzed the probable shadows cast by the planned site development on December 21<sup>st</sup> between 10:00 a.m. and 2:00 p.m. on existing or approved residential structures during said time frame. It is the position of the applicant that the approved PDP predates the Town Square development, which will include a residential component, located on the north side of East Middle lane, opposite the subject site. Therefore, the applicant believes and staff concurs that the requested change in use from the approved office component to residential for Parcel 2-J does not alter the initial findings of the previous shadow study and therefore is not applicable under the request as submitted.

#### **Attachments**

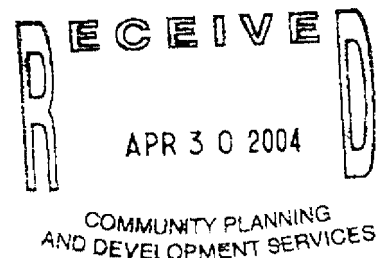
1. Application Information as submitted
2. Applicant Memo on Shadow Study
3. Transition and Development Agreement Summary
4. Staff Traffic & Transportation Analysis

## ATTACHMENT "B.1."

Application for PDP Amendment for Parcel 2-J  
PDP94-001E  
The Fitzgerald  
April 27, 2004

Submitted By:  
Rockville Renaissance West, LLC  
c/o Akridge  
601 13<sup>th</sup> Street, N.W.  
Suite 300 N  
Washington DC 20005  
202-638-3000

Nancy Regelin, Esquire  
Shulman, Rogers, Gandal, Pordy & Ecker, P.A.  
11921 Rockville Pike Third Floor  
Rockville, Maryland 20852  
301-230-5224



APPLICATION FOR PRELIMINARY DEVELOPMENT PLAN  
City of Rockville, Maryland

RECEIVED  
APR 30 2004  
COMMUNITY PLANNING  
AND DEVELOPMENT SERVICES

This application must be typewritten or printed and notarized and submitted to the Planning Division for filing. All items must be completed and the required documents and filing fee must accompany this application. (NOTE: This application is not considered filed until all required information is accepted.)

APPLICATION IS HEREBY MADE WITH THE PLANNING COMMISSION FOR ROCKVILLE FOR APPROVAL OF A PRELIMINARY DEVELOPMENT FOR THE PROPERTY DESCRIBED BELOW:

LOCATION OF PROPERTY (address) 196 East Montgomery Avenue  
Subdivision Rockville Town Center Lot 2-J Block \_\_\_\_\_  
Present Zone TCM-2 Property size (in square feet) 78,933 sf

APPLICANT:

Owner or Authorized Agent ONLY\*

Rockville Renaissance West LLC  
Name c/o Akridge  
601 13th Street, NW, Suite 300N  
Address  
Washington, D.C. 20005  
(202) 638-3000  
Telephone

OWNER OF RECORD

(if other than Applicant)

Rockville Renaissance West  
Name c/o Blackacre Capital Partners  
299 Park Avenue, 23rd Floor  
Address  
New York, New York  
(212) 891-2140 H. Glatzer  
Telephone

ARCHITECT/ENGINEER/OTHER

Cooper Carry Architects  
Name  
112 South Alfred Street  
Address  
Suite 200  
Alexandria, VA 22314  
(703) 519-6152 David Kitchens  
Telephone

Gross Floor Area: \_\_\_\_\_  
Area devoted to retail sales: 17,340  
Max. Number of employees per shift: \_\_\_\_\_  
If residential, number of units: 289  
Number of Parking Spaces \_\_\_\_\_  
Required by Zoning Ord.: \_\_\_\_\_  
Provided: \_\_\_\_\_  
Estimated daily domestic water and sewer use:  
Gals. per day: Water 90,394 Sewer \_\_\_\_\_  
Gals. per minute: Water 63 Sewer \_\_\_\_\_  
Estimate Fire Protection Demand  
(in GPM) 1500

To be completed by the Planning Division  
Application No. \_\_\_\_\_  
Filing Date \_\_\_\_\_  
Filing Fee \_\_\_\_\_  
Decision \_\_\_\_\_  
Decision Date \_\_\_\_\_  
Staff Contact \_\_\_\_\_

\* A letter of authorization from the owner must be submitted if this application is filed by anyone other than the owner.

Preliminary Development Plan  
Page 2

THE FOLLOWING DOCUMENTS ARE TO BE FURNISHED AS A PART OF THIS APPLICATIONS AS REQUIRED BY THE PLANNING COMMISSION:

1. A written description of the plan of development clearly stating how the project will achieve the intent of the Town Center Article of the Zoning Ordinance and adopted Master Plan.
2. A concept plan (11 copies) at 100' scale, or larger, supporting the above statement and showing:
  - A. The general location and approximate height, size and uses of all proposed buildings.
  - B. A vehicular and pedestrian circulation system including public and private streets, walkways, bikeways, and parking areas (on and off site).
  - C. A system of public and private open spaces, buffers and recreational areas with estimation of acreage to be dedicated to the public or retained in private ownership.
  - D. Topography showing contour intervals at 5', existing buildings, wooded areas, water courses and 100 year flood area.
  - E. Existing features adjacent to project boundary.
3. A statement indicating how maintenance and ownership of any common facilities will be resolved.
4. A preliminary schedule of development including the time specific staging and phasing of:
  - A. Residential areas.
  - B. Nonresidential development.
  - C. The construction of streets, utilities and other improvements necessary to serve the project area (on and off site).
  - D. The dedication of land to public use.
  - E. The dedication and construction of public and private vehicle and pedestrian ways.
5. The submission of a Traffic Impact Study in conformance with the Standard Traffic Methodology for all uses that generate more than 100 vehicles trips during the peak hours as defined therein.
6. A Forest Stand Delineation Plan and preliminary Forest Conservation Plan prepared in accordance with Rockville's Forest and Tree Preservation Ordinance.

Rockville Renaissance West, LLC

By: \_\_\_\_\_

Signature of Applicant

State of District of Columbia

County of \_\_\_\_\_

Subscribed and sworn before me this 15<sup>th</sup> day of April, 2004

Kathy E. McDaniel  
Notary Public

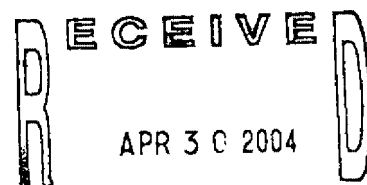
My Commission expires \_\_\_\_\_

Kathy E. McDaniel  
Notary Public, District of Columbia  
My Commission Expires 06-30-2006

13

## STATEMENT OF APPLICANT

**ROCKVILLE RENAISSANCE WEST, LLC**  
**THE FITZGERALD**  
**Parcel 2-J Rockville Town Center**  
**196 EAST MONTGOMERY AVENUE**



COMMUNITY PLANNING  
AND DEVELOPMENT SERVICES

**REQUEST:**

The Applicant requests approval of an Amendment to Preliminary Development Plan 94-001D under Section 25-682 of the City Code to redevelop Parcel 2-J (hereafter referred to as "the Property" or "Block 3" of the PDP or "Parcel 2-J") from its previously approved land use of office and retail to a mixed use development of primarily residential with street level commercial, residential amenity facilities, and structured parking. The new project is referred to as "The Fitzgerald". The Amendment to the Preliminary Development Plan proposes:

Block	Land Uses	Prior Approved Gross Floor Area	Proposed Gross Floor Area and Dwelling Units
3	Residential		299 DU
	Office	362,875 SF	
	Retail*	42,450 SF**	17,340 SF
Total		405,325 SF	299 DU/ 17,340 SF

\* "Retail" includes retail, commercial, and service uses, office uses such as bank offices, restaurants, and other non-residential uses permitted in the TCM-2 zone. \*\* This number is the mathematical difference between the total approved density on Block 3 and the approved Office density under the September 10, 2002 approval letter for PDP94-001D.

The balance of the approvals for Blocks 1, 2, 4 and 5 in the Preliminary Development Plan PDP94-001D would remain the same as previously approved:

Block	Land Uses	Approved Gross Floor Area	Gross Floor Area/DU
1	Office	394,261 SF	394,261 SF
	Retail	27,500 SF	27,500 SF
	Retail (Restaurant)	9,200 SF	9,200 SF
	Subtotal	430,961 SF	430,961 SF
2	Office	480,375 SF	480,375 SF
	Retail	18,525 SF	18,525 SF
	Retail (Restaurant)	13,500 SF	13,500 SF
	Subtotal	507,900 SF	507,900 SF
4	Residential	117 DU (min)	117 DU (min)
	Retail	11,260 SF	11,260 SF
	Subtotal	117 DU/ 11,260 SF	117 DU/ 11,260 SF



Block	Land Uses	Approved Gross Floor Area	Gross Floor Area/DU
5	Retail and Restaurant	19,306 SF	19,306 SF
	Office	25,700 SF	25,700 SF
	Theatre	67,370 SF	67,370 SF
	Subtotal	112,376 SF	112,376 SF
Total	Office	1,263,321 SF	900,336 SF
1-5	Retail	137,241 SF	116,631 SF
	Theatre	67,370 SF	67,370 SF
	Residential	117 DU	416 DU

The Amendment to the Preliminary Development Plan is attached as Section 2. Concept plans for proposed buildings and improvements are included only for *illustrative purposes* and will be formally submitted in final form at the time of Use Permit application. Illustrative Plans, Illustrative Site Plan and Illustrative Perspectives are shown in Section 3. An amendment to Use Permit USE96-0565 to modify the temporary surface parking lot on Parcel 2-J will be submitted concurrently with the filing of an Use Permit for the new improvements on Parcel 2-J.

#### PROPERTY:

The Property is Parcel 2-J, Rockville Town Center per Plat No. 21457 containing 78,933 square feet of land. The site is zoned TCM-2 and located within the Rockville Town Center Planning Area. The Property is bounded by Maryland Avenue, Middle Lane, Renaissance Street (platted paper street surface easement within Parcel 2-J) and East Montgomery Avenue. The Property is located immediately north of the Retail Pavilion and the Regal Cinemas and is improved with an existing surface parking lot approved under Use Permit 96-0565. The site is within 1500 feet of the Rockville Metro station, one and one-half blocks due west of the station site. The Property is immediately south of Block 5 of the Federal Realty Investment Trust/Danac-Ross/City "Rockville Town Square" development.

#### RELATED ACTIONS:

Record Plat "Plat of Resubdivision, Parcels 2-J & 2-K, ROCKVILLE TOWN CENTER" recorded among the land records of Montgomery County in Plat Book 198 as Plat No. 21457 approved by the Planning Commission September 12, 1998.

Preliminary Development Plan PDP94-001 Rockville Center Inc. For redevelopment of the former Rockville Mall site, allowing up to 1,274,625 square feet of office development, 148,997 square feet of retail development and 117 residential units; approved by the Planning Commission on April 27, 1994.

Amendment to Preliminary Development Plan PDP 94-001, Rockville Center, Inc. for reallocation of approved uses and densities in Rockville Center, including 1,261,411 of office space, 94,035 square feet of retail space, 43,804 square feet of restaurant space, 67,370 square feet of theatres and a minimum of 117 dwelling units; approved by the Planning Commission on June 19, 1996.

Amendment to Preliminary Development Plan PDP 94-001B, Rockville Center, Inc. for modification of conditions to the "Required Traffic Impact Mitigation Measures and Transportation Demand Program Elements"; approved by the Planning Commission on July 22, 1998.

Amendment to Preliminary Development Plan PDP 94-001C, Rockville Center, Inc. for reallocation of approved uses and densities in Rockville Center, including 9200 square feet of office space and 13,500 square feet of Retail (Fitness Center); approved by the Planning Commission on August 2, 2000.

Amendment to Preliminary Development Plan PDP 94-001D, Rockville Center, Inc. for reallocation of approved uses and densities in Rockville Center, including 13,500 square feet to office space from Fitness Center on the second floor of the east wing; approved by the Planning Commission on September 4, 2002.

Amendment to Preliminary Development Plan PDP 94-001D, Rockville Center, Inc. for minor modification of approved uses modifying 1800 square feet of Retail restaurant on the first floor of the east wing to office space for use by the Mayor and Council (part of former Benitos space for Greater Rockville Partnership (REDI) offices); approved by the City Manager and Director of Community Planning and Development in December 2003.

Use Permit USE96-0565, Rockville Center, Inc. for a 105,477 square foot restaurant and theatre building and temporary surface parking lot in the TCM-2 zone; approved by the Planning Commission on July 5, 1996.

Amendment to Use Permit USE96-0565, Pavilion Partners, Inc. for change in use of 9200 square feet of second floor space in the Retail Pavilion to office and 13,500 square feet of second floor space to fitness establishment; approved by the Planning Commission on August 2, 2000.

Amendment to Use Permit USE96-0565, Pavilion Partners, Inc. for change in use of 13,500 square feet of second floor space in the Retail Pavilion to office in lieu of fitness establishment; approved by the Planning Commission on September 4, 2002.

Amendment to Use Permit USE96-0565, Pavilion Partners, Inc. for reconfiguration of the parking lot entrance from East Middle Lane; approved by the Planning Commission on September 10, 2003.

Amendment to Use Permit USE96-0565, Pavilion Partners, Inc. for change in use of 1800 square feet of first floor Retail Restaurant space in the Retail Pavilion to office for use by the Mayor and Council; approved by the City Manager and Director of Community Planning and Development in December 2003.

Road Code Waiver, Rockville Center, Inc. for waiver from business district road construction standards for "Center" Street (now Renaissance Street), East Montgomery Avenue, Maryland Avenue and Monroe Street approved by the Mayor and Council September 12, 1994.

Transition and Development Agreement between the Mayor and Council of Rockville and Rockville Center, Inc. dated July 13, 1993, as amended, recorded among the land records of Montgomery County, Maryland in Liber 12230 at folio 001.

## **APPLICATION:**

The Applicant proposes to construct on the Property the residential condominium mixed use project to be known as The Fitzgerald and described below.

## **Site Description**

Rectangular in shape, the Property is a subdivided lot known as Parcel 2-J Rockville Town Center totaling 78,933 square feet (1.8 acres). The property is bounded by East Montgomery Avenue to the South, Middle Lane to the North, Maryland Avenue to the West, and Renaissance Street to the East within an easement area on Parcel 2-J. The site slopes down from south to north with a difference in elevation approximating 10 feet. Along the southern Property line the site is encumbered by emergency egress easements associated with the Regal Cinema theatre across East Montgomery Avenue. The theatres are located below grade and feature emergency exit stair towers which exit on the south side of the subject site through one stair tower on Parcel 2-J and two on the adjacent Parcel 2-K. The stair towers may be relocated pursuant to the terms of the egress easement.

Additionally, Parcel 2-J includes the Renaissance Street public use surface easement on the eastern portion of the site which traverses from East Montgomery Avenue to East Middle Lane. The Project's structured parking facility is to be built as originally contemplated beneath the Renaissance Street surface easement. The easement area totals 17,740 square feet and is requested to be abandoned as a public street or, if the City does not want to abandon, then incorporated in the development in part as a vehicular ingress/egress to the Project and in part as pedestrian space, but not as a standard business district street. This use is consistent with the draft plan for Arts and Arts Related Activities for Rockville Town Center which shows a vision for Renaissance Street as a pedestrian oriented space.

Parcel 2-J also has the benefit of a recorded subterranean easement below the sidewalk along Maryland Avenue to permit underground parking to extend under the sidewalk.

The site is currently improved with a surface parking lot which spans both Parcel 2-J and Parcel 2-K. Parcel 2-J contains approximately 203 spaces of the total 361 spaces in the surface parking lot. Access to the surface lot is off of East Middle Lane in the approximate location of Renaissance Street.

## **Project History and Foreword**

The Property is subject to the rights and obligations of a general development agreement between the Mayor and Council of Rockville and Rockville Center, Inc. (predecessor in title to the Property) known as the Transition and Development Agreement ("TDA") executed July 13, 1993. The TDA remains in effect until June 21, 2021. The TDA provides for the City to support certain heights and densities on the five blocks. With respect to Block 3, under the TDA the allowable height is 235 feet and the allowable density is 432,000 square feet.

The City in implementing the terms of the Transition and Development Agreement approved the 1994 Master Plan, zoning text amendments for the optional method for PDPs in the TCM zones and a shared parking code, and through the Planning Commission, a Preliminary Development Plan 94-001 for five blocks, including the Property, which allowed the heights and densities set forth in the TDA. The PDP has no stated expiration date.

PDP 94-001 approved for Block 3 (Parcel 2-J) a 405,325 square mixed use project with a right to shift up to 15% of the density between lots without an amendment to the PDP. The massing and heights were defined by "loose sweater" exhibits in the PDP. With respect to Block 3, the loose sweater provided for a 142 foot height along Maryland Avenue and a 212 foot height along Renaissance Street (then referred to as Center Street). A copy of the PDP axonometric ("loose sweater") for Block 3 is attached as Exhibit 1-A.

Traffic capacity for the total 1,466,622 square feet of development under the PDP was approved and reserved at the time of approval and a package of traffic mitigation measures and transportation demand management program elements were approved keyed to phases of the overall development. Traffic mitigation measures were completed by the owner as scheduled for the phases of development.

This Amendment to the PDP encompasses changes only for Parcel 2-J (Block 3) of the PDP. All other Blocks in the PDP remain the same as previously approved.

It is important to note that the plan takes into careful consideration the "spirit" of the Preliminary Development Plan PDP94-001 (referred to simply as "PDP") with respect to "stepping up" the density from west to east as the development moves closer to Rockville Pike.

Additionally, the proposed heights described in this Amendment are far lower than the maximum heights called for in the original TDA and PDP. Furthermore, the idea in the original PDP of significant setbacks at all gateway corners of each phase at the 55 foot height level has been incorporated into the proposed design.

At the time of the original approval of the PDP in 1994, all five blocks were owned and controlled by Rockville Center, Inc. and its principal, Mitchell B. Rutter. Since 1994, the blocks have been subdivided and transferred so that today ownership of the five blocks is separate and diverse. Mitch Rutter retains an interest only in the entities owning Blocks 1 and 4. The Applicant, Rockville Renaissance West, LLC, only has an interest in Block 3/ Parcel 2-J with a development option on Block 2. Tower 2 Associates, Inc. owns Block 2/ Parcel 2-K. Pavilion Partners, Inc. owns the Retail Pavilion on Block 5. Therefore, this application by Rockville Renaissance West, LLC is only for Block 3/ Parcel 2-J. A copy of the application has been sent to the other owners prior to filing.

### **Project Description**

#### **Block 3/ Parcel 2-J**

The Project is unlike anything else proposed for Town Center.

The Project will be located on Block 3/ Parcel 2-J and will feature a residential condominium and retail building with approximately 299 residential dwelling units and approximately 17,340 square feet of urban retail space at the ground level. Seven of the 299 dwelling units will be street level town-lofts with direct pedestrian access to Renaissance Street. The Project will also include structured parking spaces on multiple levels at and above grade and multiple below grade levels, which will serve the Project residences and guests, on-site retail, as well as the uses located in the Retail Pavilion to the south, including the Regal Cinema theatres.

The retail space and seven town-loft units will be located at the ground level. Specific use for the approximately 17,340 square feet of retail space is unknown at this time. However, for planning purposes it is anticipated that approximately 8,550 square feet of restaurant space with additional outdoor seating area would be located along East Montgomery Avenue. The balance of the retail is anticipated to be

comprised of smaller shops that would complement the retail included in the Town Square project as well as the Retail Pavilion across East Montgomery Avenue.

The main entrance to the residential condominium building is planned at the northeast corner where Middle Lane and Renaissance Street intersect. Condominium units will ring the above-grade parking structure. An amenity deck for residents' use will sit atop the parking garage.

The proposed Project will reduce the height along Maryland Avenue from the previously approved height of 142 feet down to 81 feet and along Renaissance Street from the previously approved height of 212 feet down to 188 feet.

The Project heights vary at each corner, at mid-block and for each street frontage – East Montgomery Avenue, Maryland Avenue, Middle Lane and Renaissance Street. The Project heights are designed to step up from East Montgomery to Maryland to Middle to Renaissance to create an signature building which is compatible with the Red Brick Courthouse, the Retail Pavilion and Town Square while fitting comfortably in with its high rise neighbors – 51 Monroe Place, the Judicial Center, the Executive Office Building, the Victoria, the Americana and Foulger-Pratt..

The proposed plan includes 292 condominium dwelling units and 7 town-loft units. A broad mix of unit types from one bedroom units to three bedroom penthouse units will be included in the Project as well as the town-loft units on Renaissance Street. Ceiling heights will vary depending upon the location of the units, but the current vision includes some “loft” style units in the project. These typically feature higher, open ceilings. Units located on the lower levels adjacent to parking garage levels will feature direct access to the parking garage.

This Project offers a distinctive living opportunity in Rockville Town Center which will appeal to a broad spectrum of residents due to the location, vistas, variety of unit types, large unit sizes and high rise construction. As a building which incorporates high-rise construction techniques, it will be a fully accessible, ADA compliant building. Parking will be convenient and lower units will have direct access to allocated parking spaces. Vistas in the tower will be incomparable – Sugarloaf, Catoctin Mountains, the National Cathedral and Lake Needwood. For City empty-nester residents looking to move to Town Center, the larger unit sizes will provide a choice of living environments from penthouses to charming street level town-lofts.

Construction commencement will immediately follow the approval and permitting process. Applicant desires to commence construction in 2004.

### **Summary**

This Project represents an ideal solution for linking Metro to the new Town Square by putting in place the activated pedestrian spine along East Montgomery Avenue and Maryland Avenue that is called for in the Town Center Master Plan. Perhaps more important, the Project will be a signature building adding to both the skyline and streetscape identity of Rockville Town Center. The massing of the proposed development on Parcel 2-J creates a seamless, yet tapered transition from the Town Square towards Rockville Pike, the Rockville Metro station and the high-rise commercial developments around the Executive Office Building, the Judicial Center and 51 Monroe Place. The scale of this development on Block 3 has been an embedded vision for the area since the 1994 Master Plan and carried through to the 2001 Master Plan.

The Project is the perfect complement to the planned Town Square, as it is not a mere duplication, but rather adds a different context and building structure representative of a Town Center developed over time. Combined, these elements create an urban living environment, which has a proven track record of success in neighboring communities.

#### **Comparison of Approved Office Building to Proposed Residential Building:**

The original 1994 Preliminary Development Plan concentrated on an office-dominant mix of uses reflective of the market demands at that time. The plan focused on creating a strong main street connection to Metro that gave emphasis to the office worker being the primary populator. The requirements for large office floor plates and tall towers to achieve the daytime densities to support main street retail lead to very large scale architecture. The desire to hold scale along the street at five stories or less, promoted a “wedding cake” massing with towers pushed to the middle of blocks, and disconnected the towers from the street. Main Street was East Montgomery Avenue and used the historic Red Brick Courthouse and Circuit Court as one anchor and Metro as another. These were not sustaining anchor uses that would promote continuous or extended hour activity.

In response to the 2001 Town Center Master Plan vision and the Town Square development, the proposed amendment to the Preliminary Development Plan focuses on Maryland Avenue as the new Main Street with residential as its primary populator. The proposed Project responds to the vision by being both a connection and anchor. It reinforces the primary connection to the Metro along Maryland Avenue for Rockville, and it forms a vibrant anchor as the Town Center’s entertainment venue with its street retail and relationship to the Regal Theater and Retail Pavilion. Instead of office, the plan incorporates residential condominiums to provide a community of owner stakeholders.

The proposed plan with its location adjacent to Metro reflects smart growth principles and retains a substantial portion of the original development plan density. However with the emphasis on a more fine grained main street scale, the density in the proposed plan is expressed in smaller residential floor plates, varying heights along each frontage and the placement of slender towers on a north-south axis to Town Square with the greatest height along the eastern portion of the block nearest other high rise development.

Maryland Avenue is respected as the City’s main street and a mid-rise scale is maintained along this street edge as well as along East Montgomery Avenue, the existing entertainment street. The tallest residential towers are placed on a North / South axis perpendicular to Town Square significantly reducing the impact on scale and shadow casting from that previously approved for the office development on Block 3.

The Town Center Master Plan and Design Guidelines prioritize bringing different uses to the street on different facades. The proposed plan accomplishes this with varying facades, heights, and unit types such as lofts, town homes, flats and penthouses. The tops of the low, mid and high-rise elements of the Project will create a diverse and interesting skyline.

Retail at the street level will encourage self-expression and promote street display and restaurant dining. Development access and circulation is organized to promote the success of the retail leaving few gaps in the street façade and positioning retail at prime street locations and gateway corners. The circulation directs the visitor arriving via automobile to drive in front of the primary retail and enter the parking from the East Montgomery Avenue/ Renaissance Street corner. Visitors will exit the parking structures onto the street as a pedestrian at the same point where they drive into the development giving the patron a clear orientation.

## **Architecture and Urban Design**

A set of architectural concept plans, section, elevations, and perspectives of the East Montgomery Avenue, Maryland Avenue, Monroe Street and Middle Lane views have been provided for *illustrative purposes* in Section 3 (Cooper Carry Architects Plans). Final plans will be submitted at Use Permit.

### **Gateway Corners**

The corner is a strategic element in cities and in the development of commercial real estate. With the reintroduction of the street grid the opportunity for corner development is multiplied. The master plan reinforces the importance of "Gateway Corners" in Town Center. The architectural icon at each corner of the block brings identity to the street and the theme for the block and its uses.

The amended Preliminary Development Plan continues to incorporate "Gateway Corners" and strategically places destination street retail uses and residential entrance lobbies there. Heights are lowered to 55 feet at the corner of Maryland Avenue and Middle Lane, Maryland Avenue and East Montgomery Avenue and East Montgomery Avenue at Renaissance Street. The height of these tower corners gives a comfortable pedestrian scale for the corners, and the mid-rise height allows the pedestrian to enjoy the architecture from across and/or down the street.

### **Setbacks, Massing and Fenestration**

The establishment of the scaled street wall is a key urban design principle. The scaled street wall is the first 55 feet of a structure that a pedestrian can see, feel, touch and experience. Adding "scale" to a street wall best occurs at several points in the height in the first five floors of an urban structure. First, it is important the retail street level windows be tall and open for merchandizing. The retail façade should come to the face of the structure and not be recessed into the first floor. A generous, but not too broad sidewalk is important to encourage sidewalk gathering, shopping and dining. At the top of the second story, or at approximately thirty-five feet, a projecting cornice line will define the building's street or pedestrian scale. This cornice architecturally defines the street use from the use of the building above. The street level to the fifth level establishes the street wall and may be very articulated with setbacks and punched openings.

The amended Preliminary Development Plan establishes a five to six story street wall base depending on street grade as it rises and falls from Middle Lane to Maryland Avenue and around the block of East Montgomery Avenue. This cornice level produces a strong horizontal line which connects and emphasizes the articulation at the "Corner Gateways". The residential towers above the base will vary in height to complement the neighborhood and be reflective of a town center built over time.

#### **Conformance with Master Plan:**

##### **Compliance with the Town Center Design Guidelines**

The Rockville Town Center Master Plan adopted October 2001 set forth a number of Urban Design Guidelines. The proposed Preliminary Development Plan embraces, conforms and addresses these guidelines:

1. *Celebrate Maryland Avenue as the Town Center centerpiece through the use of outstanding and creative design solutions.*

This proposed development provides retail/commercial along Maryland Avenue and a continuous

street connection from South to North. Town Square, with its village green, “festival street” and Library anchor focus serves as the primary civic gathering space. This Project will enhance an entertainment district supporting the Regal Theater anchor with restaurants and a connection for visitors arriving in the City via Metro. With the implementation of this Project, Maryland Avenue will be a continuous celebration connecting the two vibrant anchor districts.

2. *Pedestrian Link:* The proposed development plan is consistent with the Town Center vision for vibrant streetscapes with minimum fifteen-foot sidewalks with street trees and on-street parking. The plan creates a concept for continuous street retail and flexible development organization that will allow for street closings for special events and street festivals. The plan creates a stronger and more exciting pedestrian connection to the Metro station.
3. *Bring buildings up to the street edge and reinforce a sense of urban enclosure by placing parking behind buildings.*

The development plan provides structured parking wrapped with residential and commercial development at street level.

4. *Encourage high quality materials in all aspects of site and building development.*

This Plan provides charming brick and glass buildings with interesting gateway corners, detailed street level building base, and varied rooflines.

5. *Incorporate open space (landscaping or plazas) into private building plans.*

This Plan provides continuous urban open space that allows for retail merchandising, sidewalk restaurant dining, and public gathering space. Renaissance Street which halves the large block is lined with residential and is landscaped to create private spaces for home owners and strolling space for the public. It is a substantial oasis that is not found in most urban locations. Secure, landscaped amenity spaces are provided for the top level of parking structures making them pleasing plains to look down upon from adjacent towers.

6. *Create streetscapes and public spaces that feel comfortable to pedestrians.*

Priority is given to prime gathering spaces adjacent to anchor retail locations and primary connection routes. Renaissance Street is one such location across from the Regal Theater entrance. The urban plaza area serves as a primary arrival and departure point for the district encouraging both the resident and visitor to interact with one another. The wide sidewalks along East Montgomery Avenue and East Montgomery Avenue itself are designed with materials and forms that promote a connection and walking from retail street front to retail street front making it one large public gathering space.

7. *Utilize traditional storefront design techniques wherever possible; maximize opportunities for street activity by incorporating open and inviting ground floors.*

The retail façade, with its twenty-foot floor-to-floor height, promotes tenant individualization. The street façade minimizes building elements and opens large amounts of street frontage to the tenant for display and merchandizing. The development will provide design guidelines that emphasize shop entrances, signage, display and image.



### **Open Space, Gathering Places, and Landscape Design:**

- The overall sidewalk/tree lawn width is a minimum of fifteen feet following the city design guidelines.
- The East Montgomery Avenue sidewalk dimensions range from fifteen to twenty one feet from face of building to face of curb.
- The pedestrian peninsulas framing the entrance to Renaissance Street from East Montgomery Avenue are each approximately twenty-24 feet wide (face of building to Renaissance Street back of curb) by ninety-eight feet (back of curb East Montgomery Avenue to face of building at parking garage entrance), and the combined area of over 4500 square feet provides a substantial space for pedestrian passage, art, and organized public gathering for dining, small performances and display events. These spaces combined with East Montgomery Avenue, Renaissance Street, and located right at the apex of the Regal Cinema create an exciting opportunity for urban vitality.
- The residential building includes an open plaza on an upper floor providing private recreational, social, and park space for the owners and residents. Final details for the resident's plaza will be presented at Use Permit.
- Renaissance Street is proposed to serve in part for vehicular ingress and egress, but in larger part as an urban open space conducive to gatherings, events, and pedestrian passage. Renaissance Street would be designed to permit vehicular passage to and from Middle Lane on the infrequent occasions when East Montgomery Avenue is closed for City special events such as Hometown Holidays.

### **Shadow Study – Comparison of Approved Office Building to Proposed Residential Building:**

A copy of the shadow study from the original 1994 PDP for the office building is attached as Exhibit 4-B. Attention and effort has been made by the Applicant to reduce the shadow from the previously approved office development onto Block 5 of the more recently approved Town Square development.

The Applicant has completed a shadow study for the proposed amendment to the PDP. The proposed building significantly reduces the shadow on the more recently approved residential structure between 10 am and 2 pm on December 21<sup>st</sup> from the shadow of the approved office building. A copy of the shadow study is provided in Section 4 as Exhibit 4-A. A copy of the shadow study of the approved office building is also shown in Section 4 as Exhibit 4-B.

### **Transportation:**

The Applicant has completed a Traffic Statement prepared by Kimley-Horn. A copy of Applicant's Traffic Statement is attached as in Section 5 as Exhibit 5-A.

The proposed Amendment to the PDP has a significant positive impact on the traffic analysis for the area. The PDP's trips are included in background traffic for the area since PDP approval in 1994. The Project, by converting from office to residential, results in a significant reduction in the a.m. and p.m. peak hour trips. The proposed residential building reduces the trip generation from the Project from 258 a.m. peak hour trips under the prior approved plan to 131 a.m. peak hour trips and from 398 p.m. peak hour trips

under the prior approved plan to 166 p.m. peak hour trips. Further, the amendment will improve the projected southbound traffic flow on Route 355 by reducing northbound left turn movements from Route 355 onto Middle Lane in the a.m. peak hour.

#### **Renaissance Street Right of Way: Abandonment / Public Use Easement**

Renaissance Street is shown on the record plat for Parcel 2-J with a note indicating that Renaissance Street will be a surface easement. The PDP has always contemplated that a structured parking garage would be built below Renaissance Street. Applicant is agreeable if the City would like to abandon the Renaissance Street public use easement for a public street and suggests that a public use easement for pedestrian passage may be more appropriate based on the Project proposed in this Amendment.

While this Project proposes a more pedestrian oriented space for Renaissance Street right of way, it must be recognized that the City already holds a public use easement for East Montgomery Avenue which permits the City to temporarily close East Montgomery Avenue for special events such as Home Town Holidays or the farmers market. Therefore, Renaissance Street must be designed and approved in such a manner that will allow vehicular passage from Middle Lane to the parking garage entrances during those infrequent periods when the City elects to close East Montgomery Avenue for a special event.

#### **Parking**

Applicant will comply with the City Code for required parking and the final number of parking spaces will be determined at Use Permit based on the final schedule of dwelling unit sizes and retail uses. Based on the assumptions set forth below as to dwelling unit types and restaurant versus retail the Project will include a minimum of 722 parking spaces. The Project has a waiver for a 40% reduction in non-residential parking approved under the original PDP. Parking calculations for the Project and for the PDP are shown below.

Parking for the Retail Pavilion under the PDP and Use Permit 96-0565 is provided in part on Parcel 2-J. There are currently 203 surface parking spaces on Parcel 2-J utilized as part of the PDP calculation of parking at different times for all the uses in the PDP, including the Retail Pavilion. Applicant will be reconstructing the 203 parking spaces in the new Project structured parking facility. Applicant also intends to attempt to include additional parking spaces for the patrons of the buildings in the PDP, including the Retail Pavilion, as can reasonably and physically be accomplished within the approved Project, up to 280 (203 replacement + 77 additional) spaces included in the Project over that required for the Project dwelling units and on-site retail space.

The Project after application of the waiver and the shared parking calculation requires 476 parking spaces for the on-site residential, restaurant and retail. With replacement of the 203 parking spaces from the Parcel 2-J surface parking lot, the total Project parking requirement is 679 parking spaces. The Applicant intends to include a minimum of 722 parking spaces. At Use Permit, Applicant may have final parking numbers greater than 722 as it intends to maximize the parking within the structure approved to reach its goals discussed above and to maximize marketing advantage for the residential condominium project.

Parking will be provided in a structured parking facility wholly internal to the Project with two below-grade levels, one on-grade level and multiple above ground levels. Vehicular access to and from the parking structure will be at two points. The retail patrons of the Project, as well as patrons of the Retail Pavilion, will access the garage from the East Montgomery Avenue/ Renaissance Street intersection,

while the residential residents will access above grade parking from Maryland Avenue. For residential residents, convenient and in certain cases, direct, access to allocated parking will be available from dwelling units located immediately adjacent to the parking structure.

Loading docks and service space is provided for the condominium and retail components of the development along Middle Lane.

The following pages are tables of calculation of the required parking for the Project: Table 1.1 Project Parking prior to application of time of day; and Table 1.2 PDP Parking under the time of day shared parking calculation for all five blocks of the PDP. This Amendment will result in a surplus of parking within the PDP.

**Parking Summary:**

Total Required PDP (Blocks 1-5) Spaces:	1171 spaces
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Parking Provided in PDP:

Block 1 / Parcel 2-F (USE 84-300D)	435 spaces
Block 2/ Parcel 2-K (USE 96-0565)	158 spaces
Block 3/ Parcel 2-J (USE 96-0565/PDP94-001E)	722 spaces
Block 4/ Parcel 2-H (USE 94-0531)	39 spaces
Block 5/ Parcel 2-G (USE 96-0565)	<u>0 spaces</u>

Total PDP Spaces Provided:	1354 spaces
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Surplus PDP Spaces:	183 spaces
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Table 1.1 Required Parking for Project and PDP Uses before Time of Day Calculation

Table 1.1 Follows

Use Type	# of Units or SF	Parking Requirement	Req'd # of Spaces	Req'd # of Spaces w/ 40% Reduction
Residential Uses	Assumptions			
Town-lofts (2BR+)	7 Units	1.50/Unit	11	11
Condominiums (1BR)	133 Units	1.25/Unit	167	167
Condominiums (2BR+)	159 Units	1.50/Unit	239	239
<b>Total Project Residential Parking:</b>			<b>417</b>	<b>417</b>

Commercial Uses				
<b><u>Block 3/ Parcel 2-J</u></b>	Assumptions			
Retail Sales Establishment	8,790 sf	1 per 200 sf	44	27
Restaurant Space - General:	8,550 sf patron area 4275	1 per 50 sf	86	52
Restaurant Space - Employees:	28	1 per 2 emp	14	8
Restaurant Space - Outdoor:	2000 sf	1 per 80 sf	25	15
<b>Total Project Commercial Parking</b>			<b>169</b>	<b>102</b>
<b>Surplus PDP Parking (Replacement of Existing)</b>			<b>203</b>	<b>203</b>
<b>Total Project Parking Required plus replacement PDP Parking:</b>			<b>789</b>	<b>722</b>

Commercial Uses Blocks 1 & 5	SF	Parking Requirement	# of Rgd Spaces	# w/ 40% red
<b><u>Block 1/ Parcel 2-F</u></b>				
Office	125,275 sf	1 per 300 sf	418	251
Fitness Center/ Club:	12,679 sf	1 per 200 sf	64	38
Deli Restaurant - Transit:	1720 sf	1 per 5 emp	1	1
51 Monroe St.:	138	138	138	138
<b><u>Block 5/ Parcel 2-G</u></b>				
Theatre	2495 seats	1 per 4 seats	624	374
Theatre employees	30 emp	1 per 2 emp	15	9
Office	25,844 sf	1 per 300 sf	87	52
Retail	700 sf	1 per 200 sf	4	3
Restaurant	6435 patron area	1 per 50 sf patron	129	78
Restaurant employees	20	1 per 2 emp	10	6
Restaurant Outdoor seating	2400 sf	1 per 80 sf	30	18
Total			1520	968

Table 1.2 Time of Day Calculation

	Weekday		Weekend		Nighttime
	Daytime 6am -- 6pm	Evening 6pm -- midnight	Daytime 6am -- 6pm	Evening 6pm -- midnight	Midnight -- 6 a.m.
Office/industrial	100%	10%	10%	5%	5%
General retail	50%	90%	100%	70%	5%
Hotel, motel, inn	70%	100%	70%	100%	70%
Restaurant	50%	100%	100%	100%	10%
Indoor or legitimate, theater, commercial recreational establishment	40%	100%	80%	100%	10%
Clubs	50%	100%	100%	100%	10%
Residential	60%	90%	80%	90%	100%
Institutional and public uses	50%	100%	100%	30%	5%
All other uses	100%	100%	100%	100%	100%

Table 1.2 Time of Day Calculation All PDP Uses

Use	Weekday Daytime	Weekday Evening	Weekend Daytime	Weekend Evening	Nighttime
Office	303	31	31	16	16
Fitness Center	19	38	38	38	4
Retail	15	27	30	21	2
Restaurants	89	177	177	177	18
Theatre	153	383	307	383	38
51 Monroe St.	138	138	138	138	138
Deli	1	1	1	1	0
Residential	251	376	334	376	417
<b>Total</b>	<b>969</b>	<b>1171</b>	<b>1056</b>	<b>1150</b>	<b>633</b>

**Highest Parking Required at Weekday Evening totaling 1171 spaces within the PDP.**

Applicant recognizes that during construction on Parcel 2-J, a parking location program will have to be implemented and arrangements made so that sufficient parking required by the PDP and Use Permit US96-0565 are in place during construction on Parcel 2-J. During construction on Parcel 2-J, the currently existing uses within the PDP (on Blocks 1 and 5 plus 51 Monroe Street requirement) will require per code 696 parking spaces at the peak weekday evening period and the PDP parking facilities will provide 632 parking spaces. It is important to note as a practical matter that notwithstanding the calculation of peak parking demand above, 138 spaces of the 696 space peak parking demand in the evening are the 138 spaces set aside in Block 1 for the office uses in 51 Monroe Street. These 138 spaces are not reduced by time of day calculations like other office uses to 10% after normal business hours. As a practicality, 90% of those 138 office parking spaces are available during the weekday evening peak.

Sufficient parking spaces (756 spaces which includes 90% of the 138 spaces) will be physically available within the parking facilities in the PDP area for the demand (696 spaces) during the construction period on Parcel 2-J. More complete details will be provided at Use Permit.

**Storm Water Management:**

The Applicant submitted and received approval of a storm water concept plan for the Property. Waivers were approved for quantity and quality control per WVR95-2001 and WVR95-2002 and the waiver fees for Parcel 2-J, Parcel 2-K and Parcel 2-G were paid in full. A quality control structure was constructed by RCI and is in service north of the Parcel 2-J property line. A copy of the approval for the storm water concept plan and waiver is provided in Section 6.

**Adequate Utilities:**

Public Water, Sewer, Electric, and Gas are available on the Property or in the affronting streets. Storm water capacity was upgraded in Monroe Street as part of the original PDP and Use Permit construction.

**NRI/FSD:**

The Applicant submitted and received approval of a Natural Resource Inventory and Forest Stand Delineation Plan for the Property. Offsite afforestation was completed for Parcel 2-J.

**Contribution to Publicly Accessible Art:**

Applicant is supportive of the incorporation of art, art space or art infrastructure into its project. Applicant is exploring the many opportunities and venues for incorporation of art in the Project. The draft plan for Arts and Arts Related Activities for Rockville Town Center. Details will be provided at Use Permit.

# SHULMAN ROGERS GANDAL PORDY & ECKER, P.A.

Lawrence A. Shulman  
Donald R. Rogers  
Karl L. Ecker\*  
David A. Pordy\*  
David D. Freisheit  
Martin P. Schaffer  
Christopher C. Roberts  
Jeffrey A. Shane  
Edward M. Hanson, Jr.  
David M. Kochanski  
James M. Kefauver  
Robert B. Canter  
Daniel S. Krakower  
Kevin P. Kennedy  
Alan B. Sternstein  
Nancy P. Regelin

Samuel M. Spirito\*  
Martin Levine  
Worthington H. Talcott, Jr.\*  
Fred S. Sommer  
Morton A. Faller  
Alan S. Tilles  
James M. Hoffman  
Michael V. Nakamura  
Jay M. Eisenberg\*  
Douglas K. Hirsch  
Ross D. Cooper  
Glenn C. Etelson  
Karl J. Protil, Jr.\*  
Timothy Dugan\*  
Kim Viti Fiorentino  
Sean P. Sherman\*

Gregory D. Grant\*  
Rebecca Oshoway  
Ashley Joel Gardner  
Michael J. Froehlich  
William C. Davis, III  
Patrick M. Martyn  
Sandy David Baron  
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Scott D. Muscles  
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Debra S. Friedman\*  
Matthew M. Moore\*  
Daniel H. Handman

Eric J. von Vorys  
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Gary I. Horowitz  
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Cara A. Frye\*  
Sarit Keinan  
Heather L. Howard  
Stephen A. Metz  
Hong Suk "Paul" Chung  
Lisa C. DeLassio\*  
Patrick J. Howley  
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Lawrence Eisenberg  
Deborah L. Moran  
Mimi L. Magyar  
Scott D. Field  
*Special Counsel:*  
Philip R. Hochberg  
*Maryland and D.C.*  
*except as noted:*  
\* Virginia also      \* D.C. only  
\* Maryland only    1 Retired

Writer's Direct Dial Number:

301-230-5224

nregelin@srgpe.com

## ATTACHMENT "B.2."

August 3, 2004

Sondra Block, Esquire  
City Attorneys Office  
City of Rockville  
111 Maryland Avenue  
Rockville, Maryland 20850

Re: The Fitzgerald – Rockville Renaissance West LLC  
PDP 94-001 Shadow Study Provision  
Our File No. 109-673-002

Dear Sondra:

This Firm represents Rockville Renaissance West, LLC, Applicant for an amendment to change the permitted use from office to residential for the building in Block 3 of the existing Preliminary Development Plan PDP94-001. We have been asked to address the applicability of Section 25-682 (4) relating to shadow impact studies to an amendment to the existing Preliminary Development Plan PDP 94-001.

It is our position that Section 25-682(4) was satisfied at the time of the original PDP approval resulting in approval of a "building" with an allowable shadow impact. With an approved PDP, the Applicant could obtain a Use Permit for a building consistent with the PDP, meaning not exceeding the approved building sweater, the allowable shadow impact, the FAR, and/or heights. However, the intent of the PDP was to provide a "loose sweater" to allow for specific architectural detailing and massing within such loose sweater after further architectural and engineering design. In the Applicant's case, the requested amendment to the PDP is for a change in use for the approved building on Block 3. Shadow impact is not a function of use of space and therefore not applicable. Any concessions to the City the Applicant may make as to proposed reductions in the maximum heights of the approved PDP "building" that do not intensify or increase the previously approved allowable shadow impact are within the scope of the original approval, and therefore, no new test is required. The Applicant has prepared a shadow study comparing the approved building shadow impact with the proposed reduced height building shadow impact and has confirmed that there is actually a reduction in the building shadow impact under the proposed amendment. Under the PDP amendment, approval for a change in use is being sought and therefore Section 25-682(4) does not apply.

Sondra Block, Esquire

August 3, 2004

Page Two

Attached are two shadow studies comparing the approved PDP building shadow impact area with the proposed amended PDP building shadow impact area at 10 am and 2 pm on Dec 21st. The red outline is the shadow impact area for the approved PDP and the yellow outline is the shadow impact area for the proposed PDP amendment. The study also reflects the shadows for other existing and approved buildings within the study area.

As background, the subject site is governed by a general development agreement between the Mayor and Council known as the Transition and Development Agreement ("TDA") executed in 1994. Pursuant to the terms of the TDA, the City adopted the optional method provisions for the Town Center Planning Area and the first preliminary development plan was approved for a five block site: Preliminary Development Plan PDP94-001, as amended ("PDP"). In reliance on the TDA and PDP, the owners of the property subject to the PDP demolished the Rockville Mall, constructed new streets, sidewalks, storm drains, parks, and other public infrastructure, and constructed improvements on all the blocks in accordance with the common plan of development, including the 100,000 square foot Retail Pavilion on Block 5, the Metro Plaza Promenade on Block 1 and the Garden Parking Lots on Blocks 2, 3 and 4. The PDP set certain development standards for each of the five blocks in the plan, and through axionmetric drawings created a "loose sweater" detailing maximum heights and massing of approved buildings.

At the time of the approval of the PDP in 1994, the shadow study provision in Section 25-682 was in existence and applicable to preliminary development plan approval. Specifically it provides "*Developments shall be so planned in relation to one another that no building shall cast a shadow on existing or approved residential structures between 10:00 am and 2:00 pm on December 21...*" This test is only at the PDP stage; No similar provision is in the City Code for review at Use Permit. The approved buildings under the PDP shown in the axionmetrics were tested so that no building cast a shadow on existing or approved residential structures between 10 am and 2 pm on December 21. An allowable shadow impact for each block resulted and vested for each building.

At the time of the original PDP approval, a shadow study was completed notwithstanding the fact that no residential buildings existed or were then approved for north of the subject property. The shadows of the approved buildings in the PDP fell across the City owned Middle Lane parking lot and the Foulger Pratt property north of Middle Lane. However, the PDP shadow studies which were part of the original PDP application actually show the development north of Middle Lane contemplated under the 1993 Master Plan which included a proposed parking garage and a proposed residential building (on Lot 7 of the TDA). Even in the 1993 Master Plan, the City assumed future residential development north of Middle Lane within the shadow impact areas.



Sondra Block, Esquire

August 3, 2004

Page Three

Nine years later, the Mayor and Council approved the Town Square project, a mixed use development north of the subject site, within the known fall of shadows from the buildings to the south, including the existing Victoria, 11 North Washington Street, 51 Monroe Street, Foulger Pratt, and the Judicial Center, as well as the approved buildings under the PDP. With respect to the six buildings in Town Square itself, the buildings within Town Square cast shadows on the other buildings with residential uses within the Town Square project, but because all of those buildings are within a single preliminary development plan, the established course of conduct of the City is that no shadow study is required and the internal shadow impacts are not considered.

The purpose of both the TDA and the PDP was to provide certainty to both the City and the owner for the public and private development aspects of a long term, multi-phased, and complex development. It was expected that the demolition of the Rockville Mall and the construction of the first phase Retail Pavilion with the movie theatres would act as a catalyst in Town Center for development beyond the PDP. Therefore, the TDA and PDP provided certainty notwithstanding what redevelopment occurred beyond the PDP boundaries. Both the City and the owner performed contractual obligations by the deadlines under the TDA. Much of the public infrastructure was constructed and land dedications were completed in advance of the build-out of the private development.

The TDA remains in effect until June 21, 2021. Both the TDA and the PDP ordinance recognize that amendments will be required from time to time to respond to market demands and provide mechanisms for such amendments. It was never contemplated under the TDA or the original PDP that the owner would be divested of its rights under the TDA contract and the PDP approval through actions of the City in the development of its own Middle Lane lot as a mixed use development with residential uses. The 2001 Master Plan continued to show the buildings approved under the PDP on the same plans and illustrations as the future mixed use residential/retail development north of Middle Lane.

The history of the PDP has included a series of amendments to conform the PDP to changes in uses in the various blocks, most recently to changes in uses in the Lot 5 Retail Pavilion from retail and restaurant to office. (Some changes in use must be deemed minor as the City never modified the PDP itself when it caused the owner of Lot 4 to obtain a Use Permit changing the temporary use of Lot 4 from parking lot to bank office to permit the uses under the City's lease of Lot 4.) None of the approvals amending uses under the PDP included modifications to the approved buildings and shadow impact areas under the original PDP. Whether the amendment to the PDP is for an adjustment to the square footage of the amount of retail/restaurant use in an office building or a conversion of office to residential within a building, the requested change in use has not in the past and should not now, trigger a new shadow impact test.

SHULMAN  
ROGERS  
GANDAL  
PORDY &  
ECKER, P.A.

Sondra Block, Esquire

August 3, 2004

Page Four

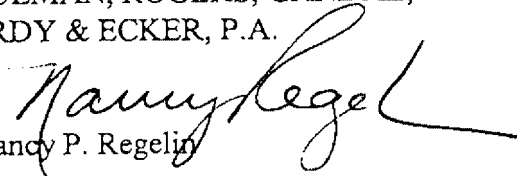
It is the Applicant's position that Section 25-682(4) is not applicable to the Applicant's requested amendment. The Applicant has confirmed that any proffered concessions the City is desirous of accepting or conditioning approval on with regard to the building height has not increased or intensified the approved shadow impact area on any approved or existing residential structures on Dec 21 between 10 am and 2 pm.

If the City needs anything further on this issue, please do not hesitate to communicate with me.

Very truly yours,  
SHULMAN, ROGERS, GANDAL,  
PORDY & ECKER, P.A.

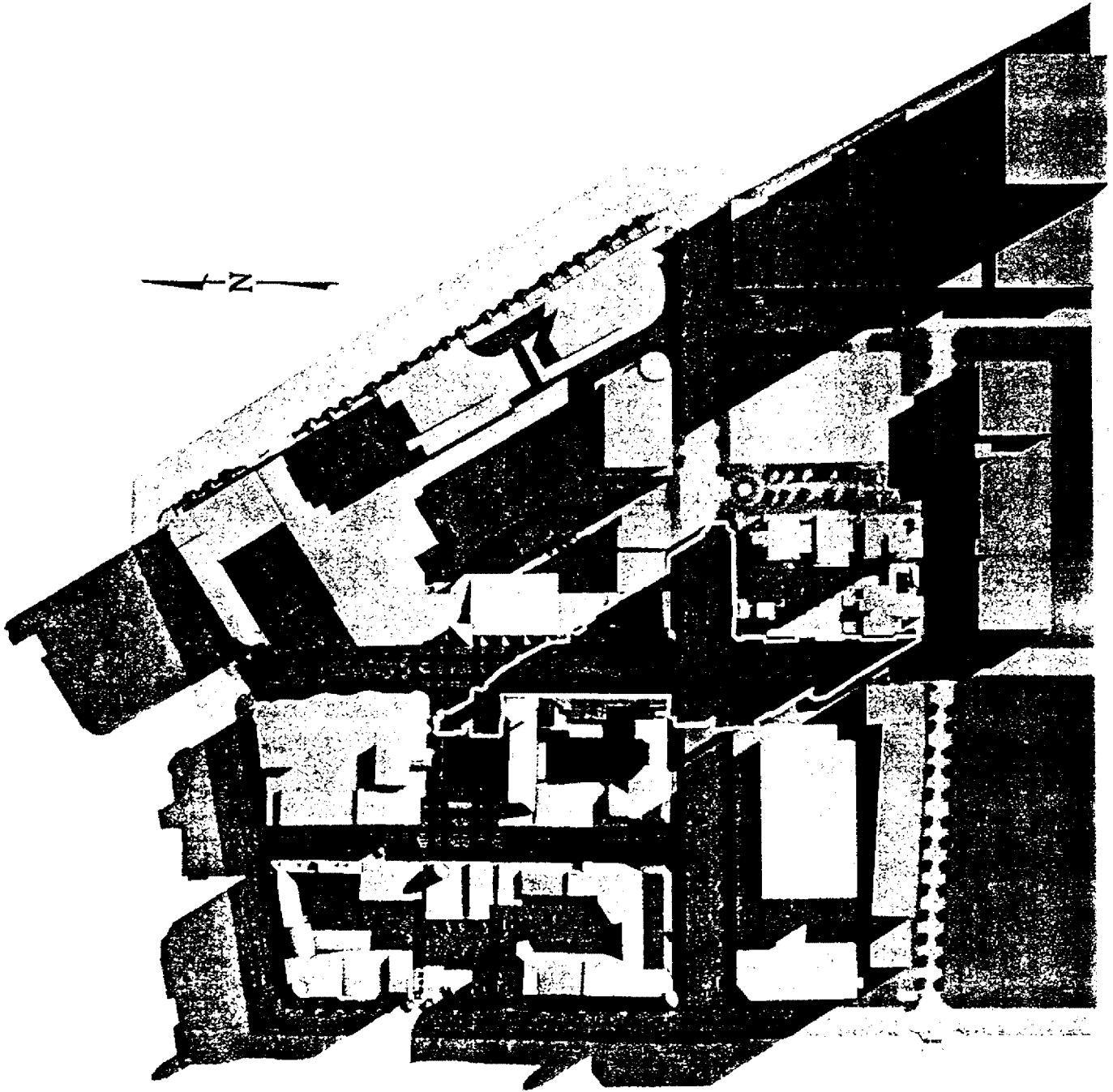
By

Nancy P. Regelin

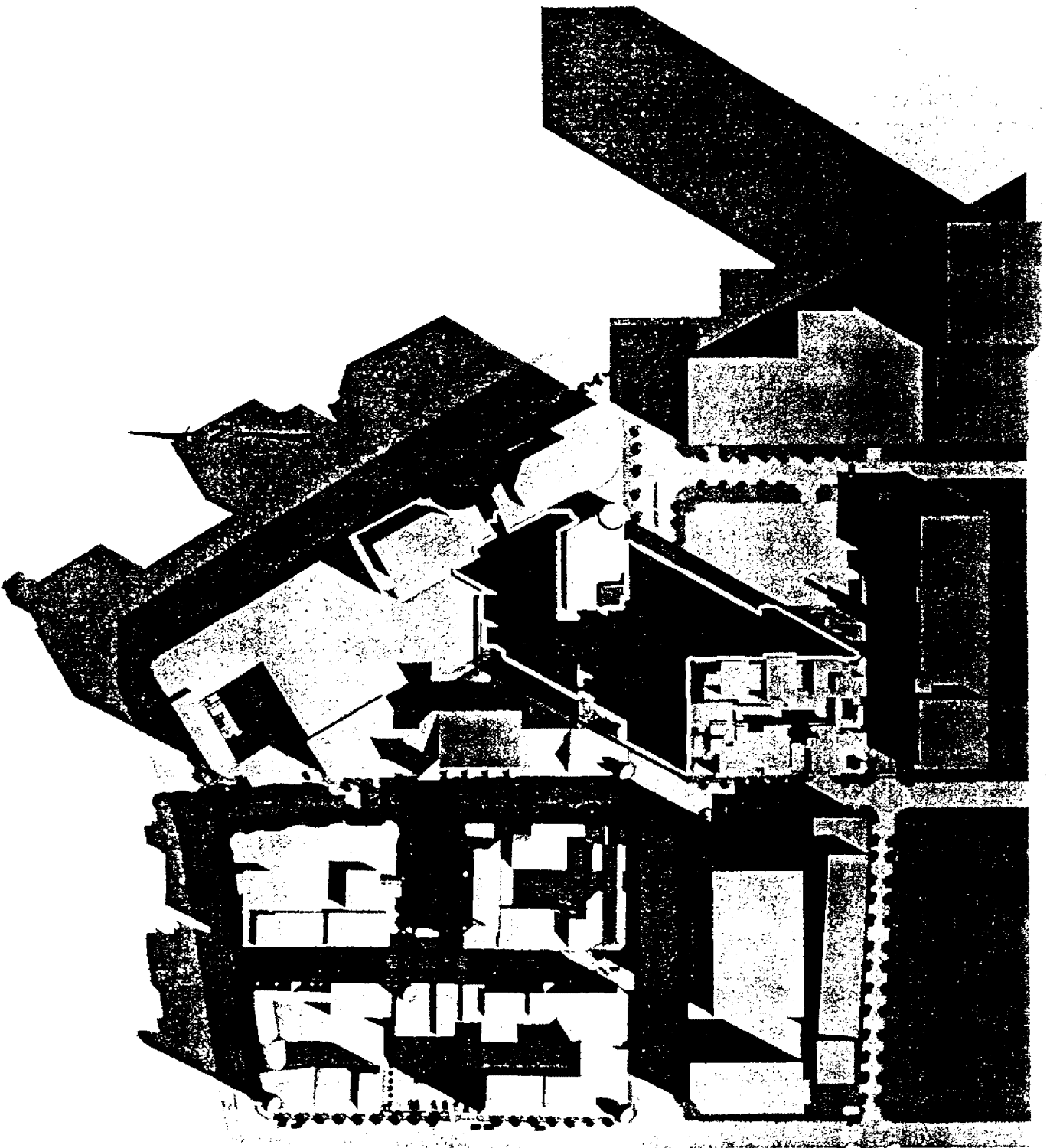


NPR\47\BlackacreAkridge/AkridgeShadowmemo

cc: Mr. Robert Spalding with attachments  
Planning Staff  
Mr. Joseph Svatos  
Mr. Christopher Ciliberti



RED - APPROVED  
YELLOW - PROPOSED



DEC 21 2PM  
APPROVED & PROPOSED

## THE TRANSITION & DEVELOPMENT AGREEMENT – RELEVANT PROVISIONS

This property is subject to the provisions of the Transition and Development Agreement (TDA) entered into by the Mayor and Council and Rockville Center, Inc. (RCI), a predecessor in title to Rockville Renaissance West, LLC. The TDA was executed July 13, 1993, amended February 14, 1997, and amended once again August 26, 1999. Having received a Certificate of Completion June 20, 2001, the TDA remains in effect until June 21, 2021. The approval of the TDA and its accompanying PDP provided for the development of a five (5) block site. The agreement requires that RCI, and its successors; perform certain actions as part of the approval of a new mixed-use development plan conceptually containing 1,234,000 s.f. of office space, 192,000 s.f. of retail space, of retail, 120,000 s.f. of residential, and 2,160 parking space uses (TDA, Exhibit 9 Development Plan). Among the notable requirements were:

1. Demolition of the Rockville Mall.
2. Traffic Improvements, as part of a Transportation Demand Management (TDM) program, required of RCI in the routine review process for Use Permit approval.
3. Gathering Spaces including Courthouse Square Park, East Montgomery Avenue between Maryland Avenue and Monroe Street extended, and Metro Plaza Promenade access improvement to the pedestrian crosswalk over Hungerford Drive.
4. Monroe Street pedestrian elevator and stair improvements to Metro Plaza Promenade.
5. Parking expansion utilizing Middle Lane Lot in front of Retail Pavilion and
6. The extensions of East Montgomery Ave. (above), Monroe St., Center St. (Renaissance St.), and Maryland Ave.

In addition, the TDA contains a number of provisions that are worth noting regarding this proposed amendment. These include:

**The City is required to indicate what changes are needed to make the application approvable.** The TDA (Section 7.08.B) requires the City indicate specific reasons why an application is denied and note the changes required to make an application approvable. If the Mayor and Council find the application does not meet the required findings needed to approve an application, then the necessary changes must be identified in writing. For practical purposes, minor changes can be accommodated through an approval with additional conditions. More substantial changes, where the Mayor and Council desires to see the impact of various recommended changes prior to approval, can also be accommodated by providing direction in the absence of a formal vote to deny an application. In that case, the applicant would revise the application and present the changes to the Mayor and Council.

**Development Standards.** The City approved the use of Critical Development Standards as a basis for evaluating applications submitted by RCI and its successors (TDA, Section 5.04). The TDA required the City accept and process applications for development and use permits as well as processing text amendments to achieve the Critical Development Standards, which are based on the following criteria:

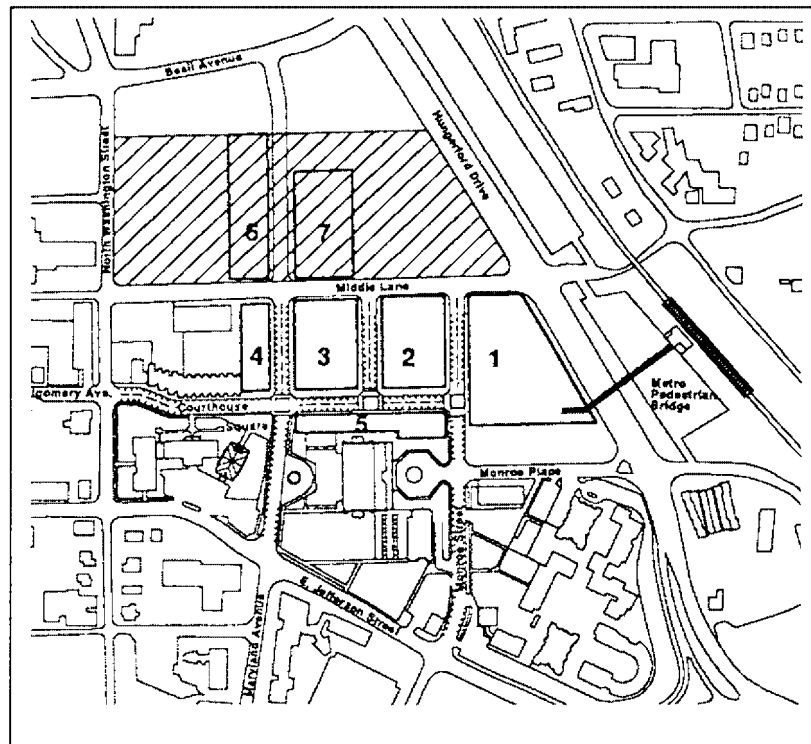
1. Floor Area Ratio (FAR) and Individual Lot Density: As of the effective date of the TDA, zoning allowed an overall FAR of 6 for development in the Town Center Mixed Use-2 (TCM-2) zone utilizing the optional method of development. This calculation did not permit the averaging of varied densities across each lot in a proposed development. The Zoning Ordinance now permits the overall Development

Plan FAR to be calculated over the total gross acreage of RCI's property prior to subdivision and dedication of public improvements considered by the TDA.

2. Height: The overall dimensions for buildings to be constructed in this development proposal shall not exceed the following maximum height restrictions:

3.

Block	Maximum Height
1,2,3,7	235 feet above 448 foot elevation
4	100 feet above 448 foot elevation
5	40 feet above 448 foot elevation
6	80 feet above 448 foot elevation
*All heights to measured from the 448-foot elevation	



**Area Site Plan - Transition and Development Agreement, 1993**

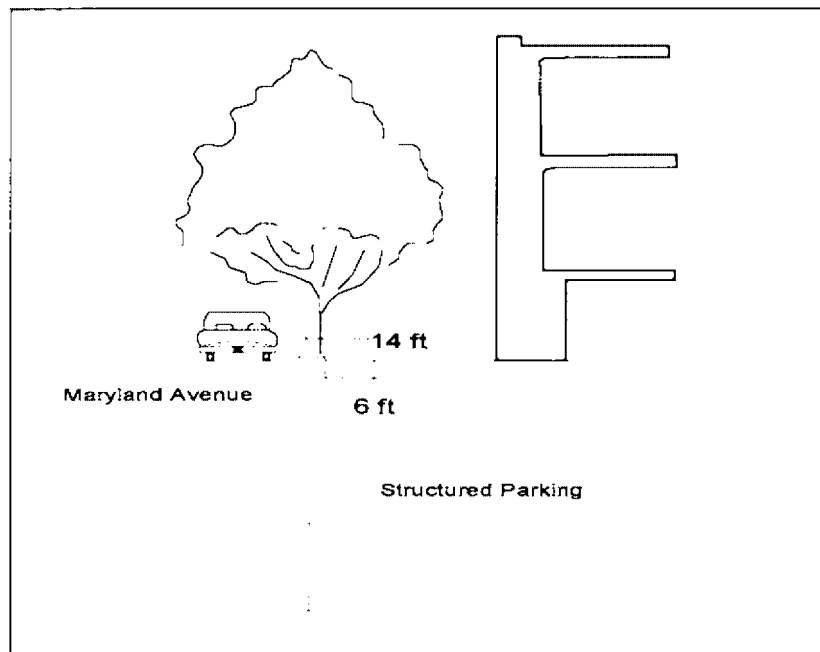
3. Reduction in the Off-Street Parking Requirement: Applications for this development plan are based on a 40% reduction in off-street parking requirements due to its proximity to the Rockville Metro Station.

Collectively, these criteria establish the Critical Development Standards, however, it should be noted that these provisions do not exempt the development proposal from other planning and zoning regulations.

**Parking can be provided anywhere within the envelope of lots contained in the PDP.** The PDP allows the off-street parking requirements to be met by the project as a whole. The lot that contains the Retail Pavilion (Regal Cinemas, shops, and offices) contains no parking spaces. The required spaces are provided in the rest of the development. As part of the proposed

development's parking, more spaces will be constructed than required to serve the development on that lot. These additional spaces will be used to meet the parking requirements of retail and office uses on other lots.

**Subterranean Easement.** The City and Rockville Center, Inc., former owner of the subject site, entered into a "construction agreement" for public improvements on June 20, 1994. This agreement allowed for the construction of certain infrastructure improvements, within the Town Center. Specifically, Maryland Avenue's dedicated right-of-way from Jefferson Street to Middle Lane was created. In considering how this arrangement would effect the ability to place underground parking facilities on private property, the applicant requested a subterranean easement be placed on the portion of Maryland Avenue for the purpose of maximizing the area available for parking and other facilities. As a result there exists a 14 foot wide by 6 foot deep "reserved area" below the surface of Maryland Avenue's sidewalk from the intersection of East Montgomery Avenue to East Middle Lane. This allows the applicant to place proposed below grade parking in the area directly underneath this easement.



**Illustration of Subterranean Easement Area Along Maryland Avenue**

**Penalty if City Precludes Implementation.** In the event of default by the City, the TDA (Section16) provides RCI any remedy for damages available at law or in equity, provided however, the City's liability for monetary damages are limited to \$3.5 million.

**PDP Approval.** Most of these provisions were carried forth to the optional method provisions and subsequent PDP approval. This approval specifies the amount of development by use for each block



## ATTACHMENT "B.4."

City of Rockville

### MEMORANDUM

August 4, 2004

TO: Castor Chasten, Planner III

FROM: Sandra Marks, Civil Engineer I, Traffic & Transportation Division *SM*

VIA: Larry Marcus, Chief, Traffic & Transportation Division *LM*  
Mark Wessel, Civil Engineer III *MW*

SUBJECT: Traffic/Transportation Impact Review  
Ackridge: The Fitzgerald, PDP1994-0001E

This memorandum presents the Traffic and Transportation Division's recommendations on the subject development application, PDP1994-001E. These recommendations incorporate and address comments and concerns expressed by City staff, and the Applicant as part of the review process.

#### SITE ANALYSIS:

The proposed development program consists of approximately 292 hi-rise condominium residential units, 7 townhouse units and 17,340 square feet of retail. This application is in place of 368,575 square feet of office and 36,750 square feet of retail already approved for the site. The proposed project is located on the block bounded by Renaissance Street to the east, East Middle Lane to the north, East Montgomery Avenue to the south and Maryland Avenue to the west.

There are three access points to the site, one on East Middle Lane for loading, One on Maryland Avenue and one on Renaissance Street. An additional access point on Maryland Avenue is proposed with a revised loading configuration. Separate parking garages will serve the retail and residential uses.

#### Roadway Network Analysis

The original PDP application (PDP1994-0001) analyzed the following 18 intersections:

1. MD 355/ North Washington Street
2. MD 355/ Beall Avenue
3. MD 355/ Middle Lane/Park Road
4. MD 355/ Monroe Street/ Church Street
5. MD 355/ MD 28
6. MD 355/ Richard Montgomery/Dodge
7. North Washington Street/ Beall Avenue
8. North Washington Street/ Middle Lane
9. North Washington Street/ West Montgomery Avenue
10. North Washington Street/ W. Jefferson Street



11. MD 28/Great Falls Road
12. East Jefferson/ Maryland Avenue
13. E. Jefferson/ Monroe Street
14. Maryland Avenue/Fleet Street
15. Monroe Street/ Rockville Metro Place
16. Park Road/North Stonestreet
17. Park Road/South Stonestreet
18. MD 586/ MD 911

These intersections were studied for three different scenarios (1) Existing Year 1994 Traffic Conditions; (2) Background Traffic Conditions; and (3) Total Future Traffic conditions.

The trip generation table below represents the difference in the two applications:

	AM			PM		
	In	Out	Total	In	Out	Total
<b>Approved Plan</b> (Office 368,575 Retail 36,750)						
	225	33	258	96	302	398
<b>Proposed Plan</b> (D.U. 299 Retail 17,340)						
	30	101	131	94	72	166
<b>Difference</b>	-195	68	-127	-2	-230	-232

The applicant submitted a revised traffic analysis for the change to the development program. With the change in development program, all of the intersections analyzed remained at the same level of service or improved.

The original conditions required of the Applicant were modified to reflect the reduction in trips generated and impacts. The Applicant will be required to contribute to the City's Transportation Improvement CIP to fund transportation improvements in the Town Center Planning area (including transportation improvements identified in the City's Town Center study) as well as contribute towards traffic calming in surrounding neighborhoods to mitigate neighborhood impacts.

#### Access and Circulation

A: Passenger Vehicle: There are three access points to the site, one on East Middle Lane for loading, One on Maryland Avenue and one on Renaissance Street. Separate parking garages will serve the retail and residential uses. (The revised loading dock as proposed by the Applicant would include an additional driveway on Maryland Avenue).

Currently Renaissance Street is proposed to serve primarily as a pedestrian link with outdoor café seating, as well as serve as an access point to the parking garage. Staff is recommending that Renaissance Street be designed to accommodate through vehicular traffic for access to the parking garage when E. Montgomery Avenue is closed off for events, as well as to allow for the possible future use of the street for vehicular traffic.

B: Heavy Vehicle (Truck & Bus): Staff will be reviewing truck access and loading to the site. The Applicant has submitted an alternate plan showing access to the loading dock off of E. Middle Lane

and egress onto Maryland Avenue. Staff will continue to work with the Applicant through the USE Permit process on the design of the loading access and circulation.

C: Pedestrian/bicycle access: Due to the proximity of the site to Rockville's Town Center, it is anticipated that there will be significant pedestrian traffic accessing the site. Staff will work with the Applicant through the USE Permit process to ensure adequate sidewalk widths. In addition, Renaissance Street is proposed to serve primarily as a pedestrian street.

In order to encourage and accommodate bicycle commuters to the site, the Applicant shall provide bicycle lockers and racks to be installed at a convenient and safe location to serve the residential and retail uses.

D: Transit access: The site is serviced by the Rockville Metrorail station as well as a number of buses adjacent to the site. In order to further encourage the use of transit at the site, the Applicant will be required to contribute \$13,000 for the installation of a 2 bus shelters adjacent to the site. In addition, the Applicant will be required to contribute the City's Transportation Demand Management (TDM) program to fund various programs designed to reduce the number and impact of vehicular trips within the Rockville Pike Planning Area. This contribution will be incorporated into the TDM program funds of the City.

The following conditions of approval will be incorporated into a future USE Permit for the site:

1. The Applicant shall execute a Transportation Demand Management (TDM) agreement with the City of Rockville before the issuance of a building permit. This agreement will require the Applicant to make an annual contribution of ten (10) cents a square foot of gross floor area of the retail and office components for a period of ten years ( $17,340 \text{ s.f.} \times \$0.10 = \$1,734/\text{year}$ ), and \$60. per unit for a period of ten years ( $299 \text{ d.u.} \times \$60 = \$17,940/\text{year}$ ). These funds will be used for various programs designed to reduce the number and impact of vehicle trips within the planning area. The TDM agreement will specify the timing and other requirements of future payments of the TDM fee. This sum will be incorporated to the TDM program funds of the City.
2. The Applicant shall provide bicycle lockers or a bicycle room for the residential component of the project and bike racks/lockers for the retail component of the project at a safe and convenient location to serve the site as approved by the Department of Public Works.
3. The Applicant shall contribute, prior to issuance of building permits, a monetary contribution of \$13,000.00 for the implementation of two bus shelters to be located adjacent to the subject site. This contribution will be incorporated into the Bus Stop Beautification CIP.

#### CONDITIONS OF APPROVAL:

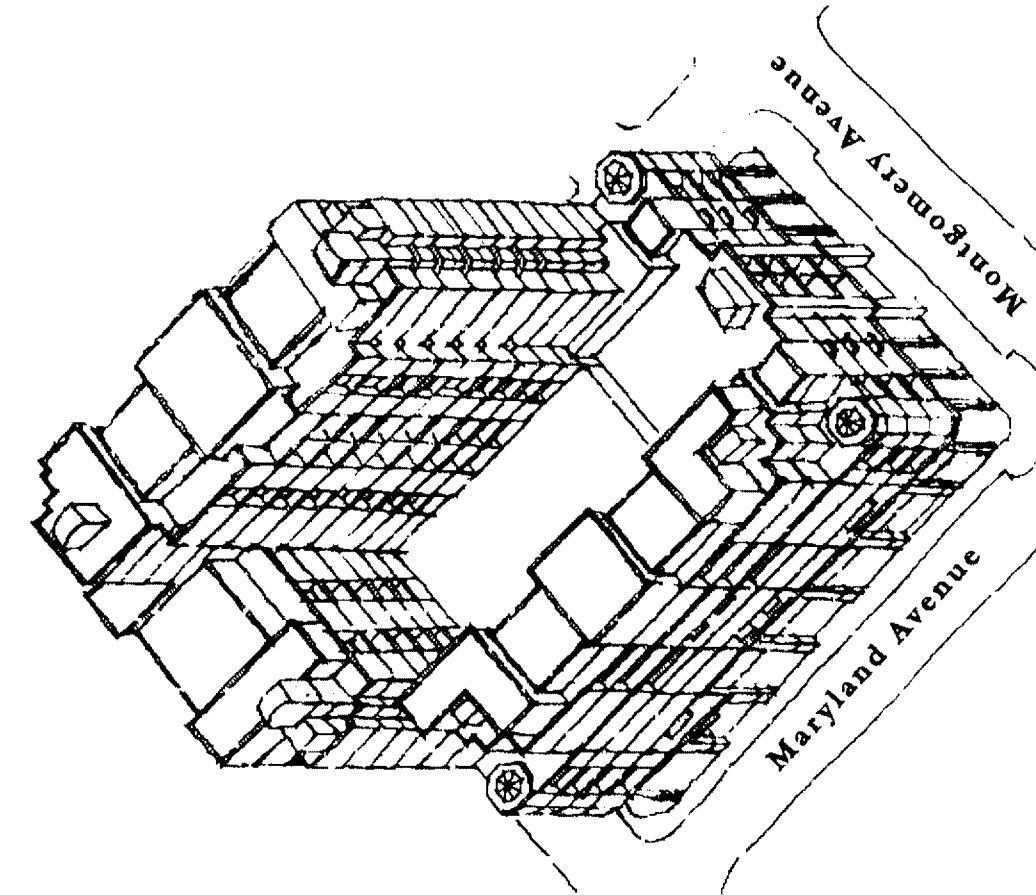
Based on our review, which took into account the needs of motorists, bicyclists, pedestrians and transit users, and in order to mitigate the potential transportation impacts, City Staff recommends the following conditions of approval for the subject development application, PDP1994-0001E:

1. Renaissance Street must be designed to accommodate through vehicular traffic.
2. Applicant shall enter into Town Center Maintenance District with the City of Rockville

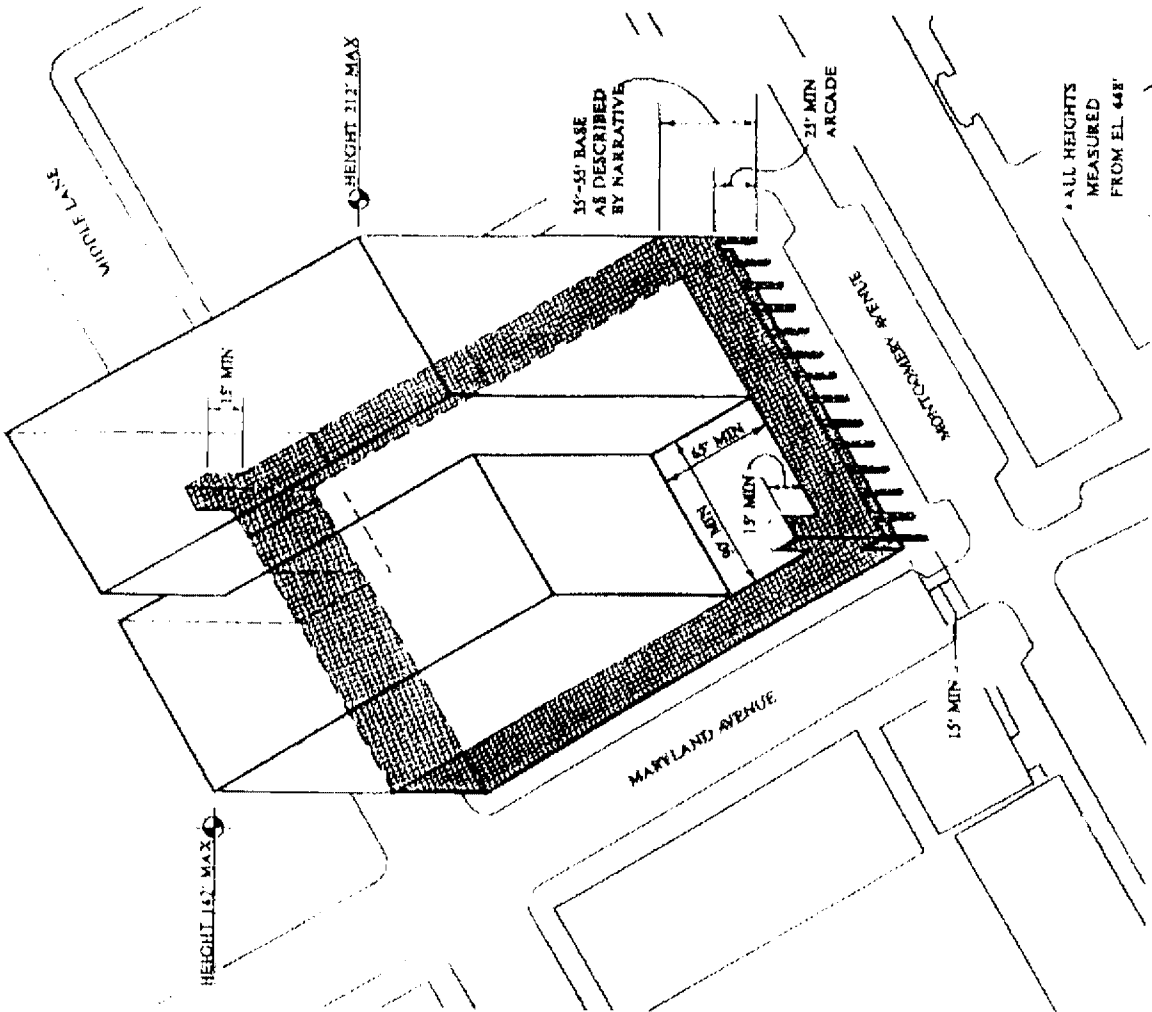
3. Applicant shall provide safe access to the existing surface parking lot as approved by DPW
4. Applicant must provide 25 ROW truncations as approved by DPW
5. Applicant shall contribute \$135,000 towards transportation improvements in the Town Center Planning Area prior to the issuance of Building Permits
6. Applicant shall contribute \$94,249 toward pedestrian and bike improvements being constructed at the intersection of MD 28/Great Falls Road prior to the issuance of Building Permits
7. Applicant shall contribute \$80,000 towards traffic calming in the surrounding neighborhoods prior to the issuance of Building Permits
8. Applicant shall provide adequate parking and safe pedestrian access during all phases of construction
9. Applicant shall provide a ten-foot Public Utilities Easement along Maryland Avenue and E. Middle Lane
10. Applicant shall provide for a minimum of eight feet of clear pedestrian zone along all frontages of the site

cc: Eugene H. Cranor, Director of Public Works  
Robert Spalding, Chief of Planning

Realt at Street Level including  
Pedestrian and Vehicular Entrances



Current Residential Scheme



Office Scheme

RECEIVED  
APR 30 2004

COMMUNITY PLANNING  
AND DEVELOPMENT SERVICES

COOPER CARRY  
ATLANTA, WASHINGTON, NEW YORK

Illustrative Axonometric Comparison

# ROCKVILLE TOWN CENTER

Rockville, Maryland

PDP # 94-001

Rockville Renaissance West, LLC

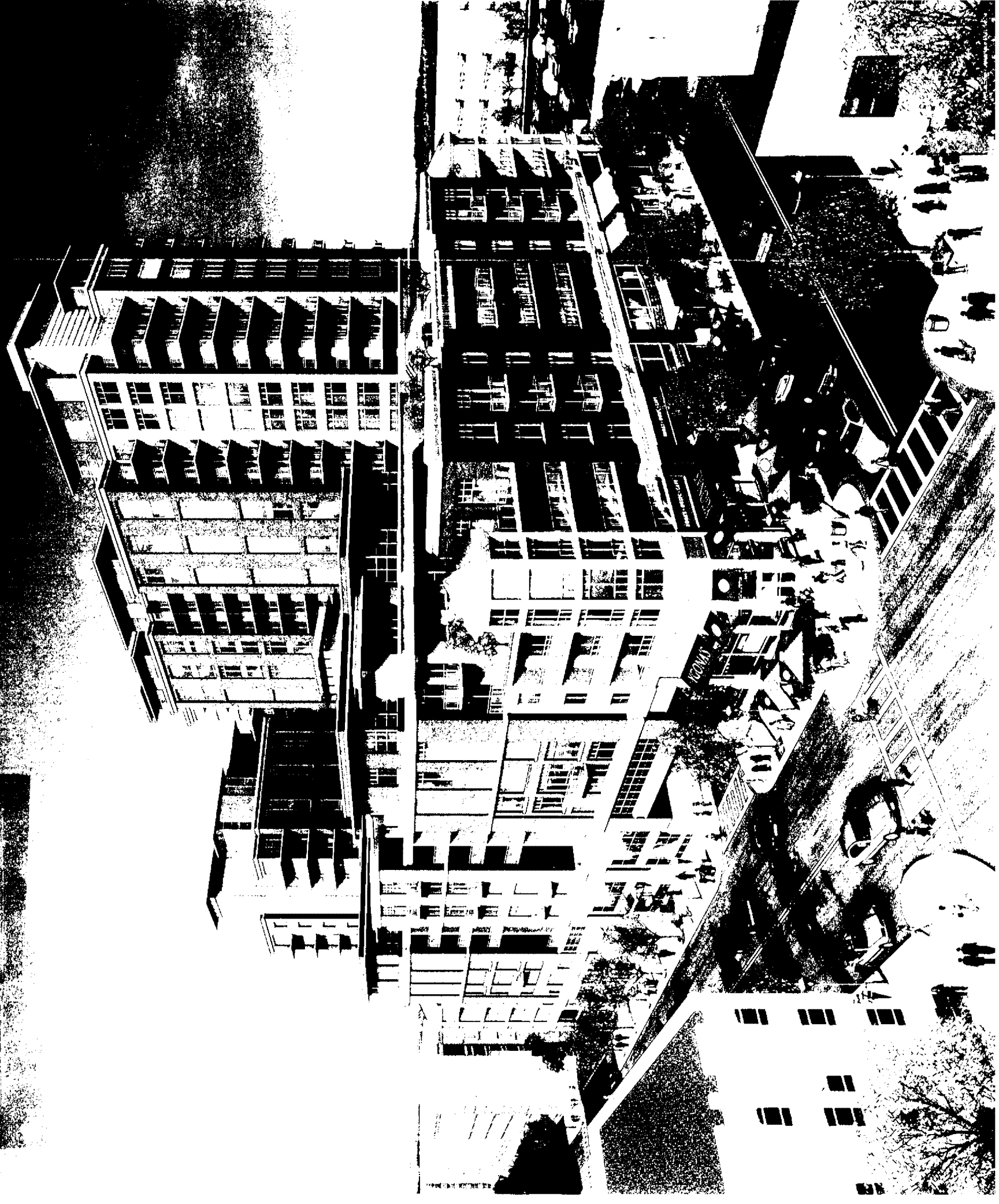
**Akridge**  
Washington, DC 42

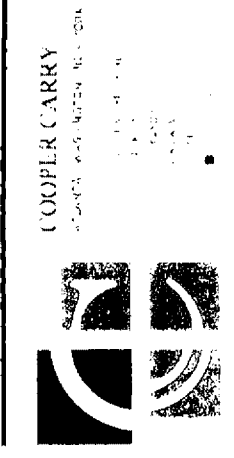
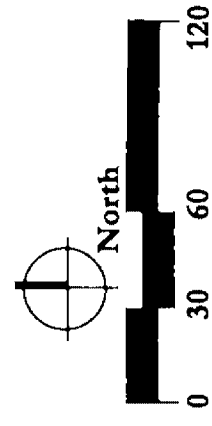
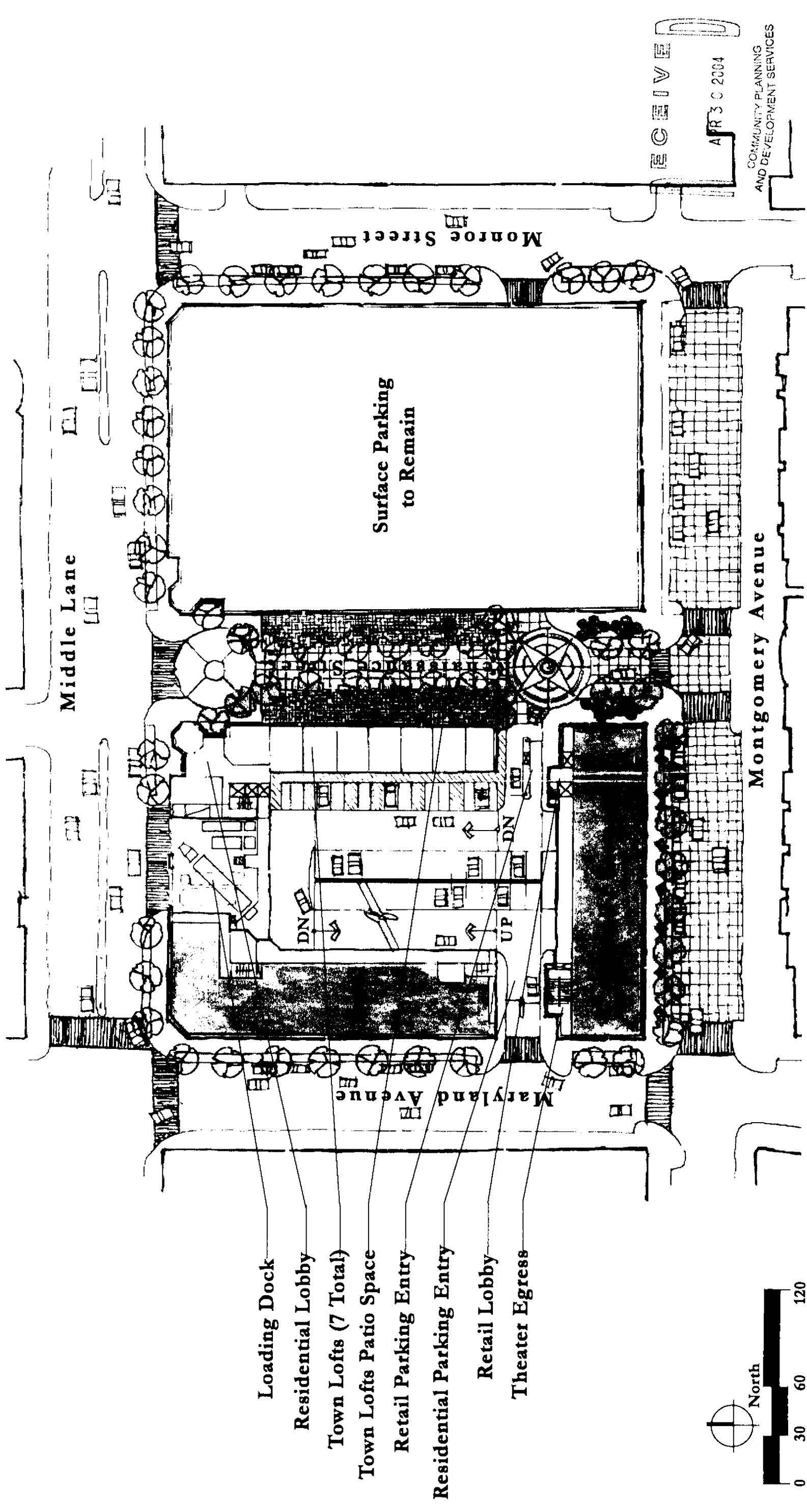
April 21, 2004

ATTACHMENT "D"



ATTACHMENT "D"





Illustrative First Floor Plan

Rockville Renaissance West, LLC

ROCKVILLE TOWN CENTER

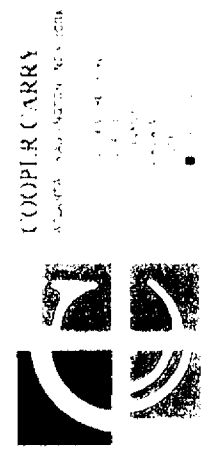
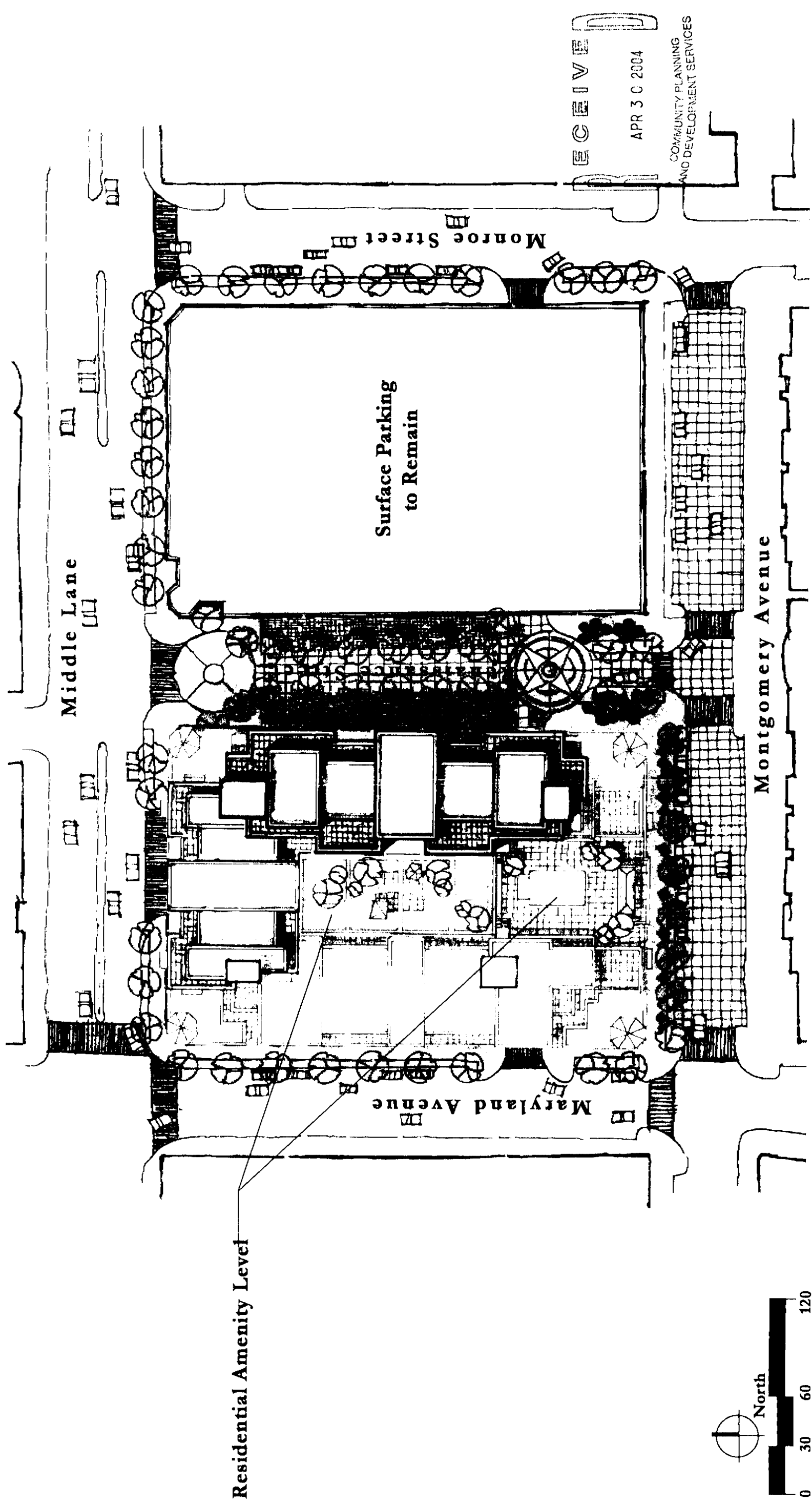
Rockville, Maryland

PDP # 94-001

April 21, 2004

Akridge  
Washington, DC

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COOPER CARRY  
ARCHITECTS AND PLANNERS

Illustrative Roof Plan

Rockville Renaissance West, LLC

# ROCKVILLE TOWN CENTER

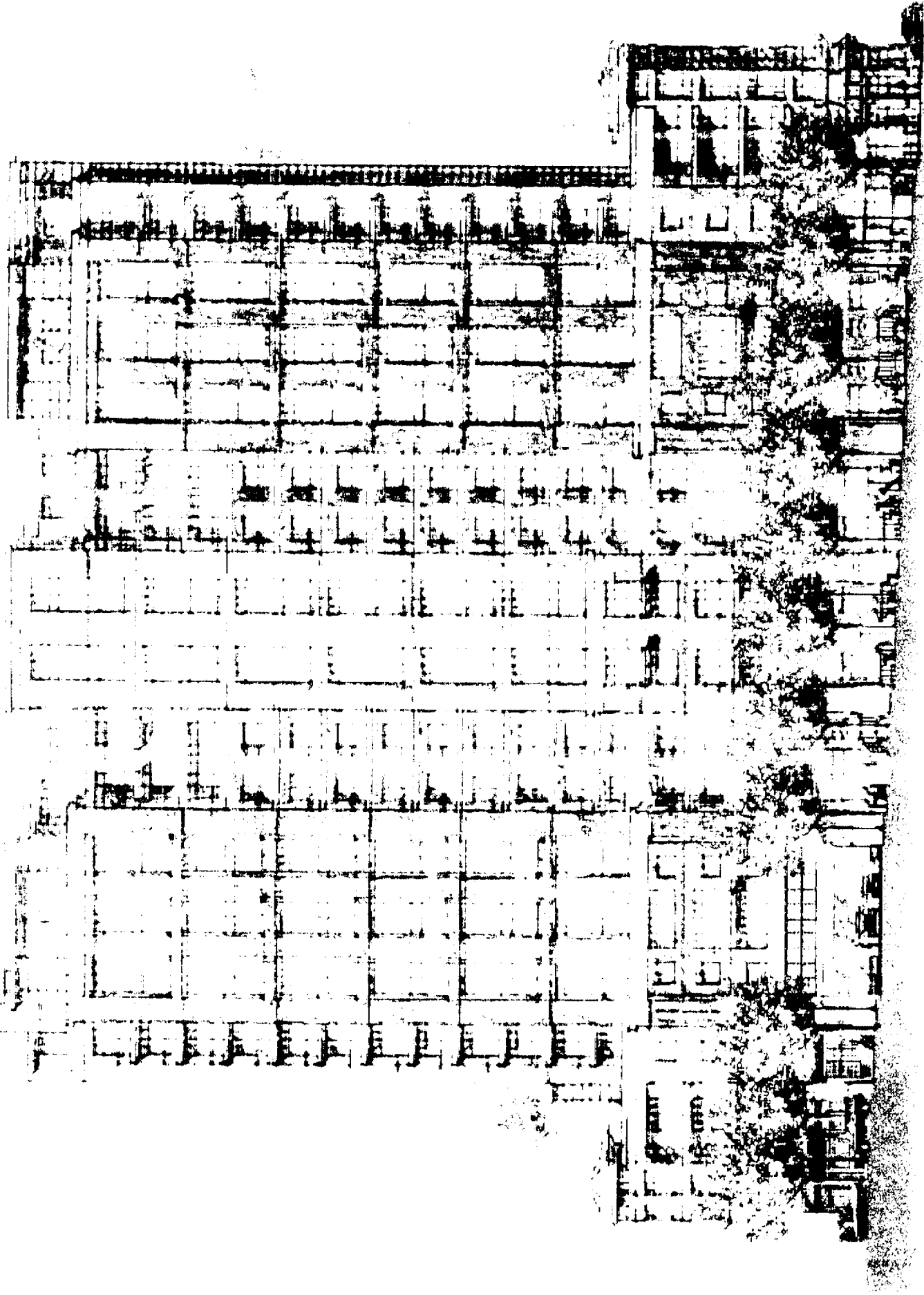
Rockville, Maryland

PDP # 94-001

April 21, 2004

**Akridge**  
Washington, DC





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AND DEVELOPMENT SERVICES

COOPER CARRY  
ARCHITECTS  
1100 14TH STREET, N.W.  
WASHINGTON, D.C. 20004



Illustrative Renaissance Street Elevation

Rockville Renaissance West, LLC

# ROCKVILLE TOWN CENTER

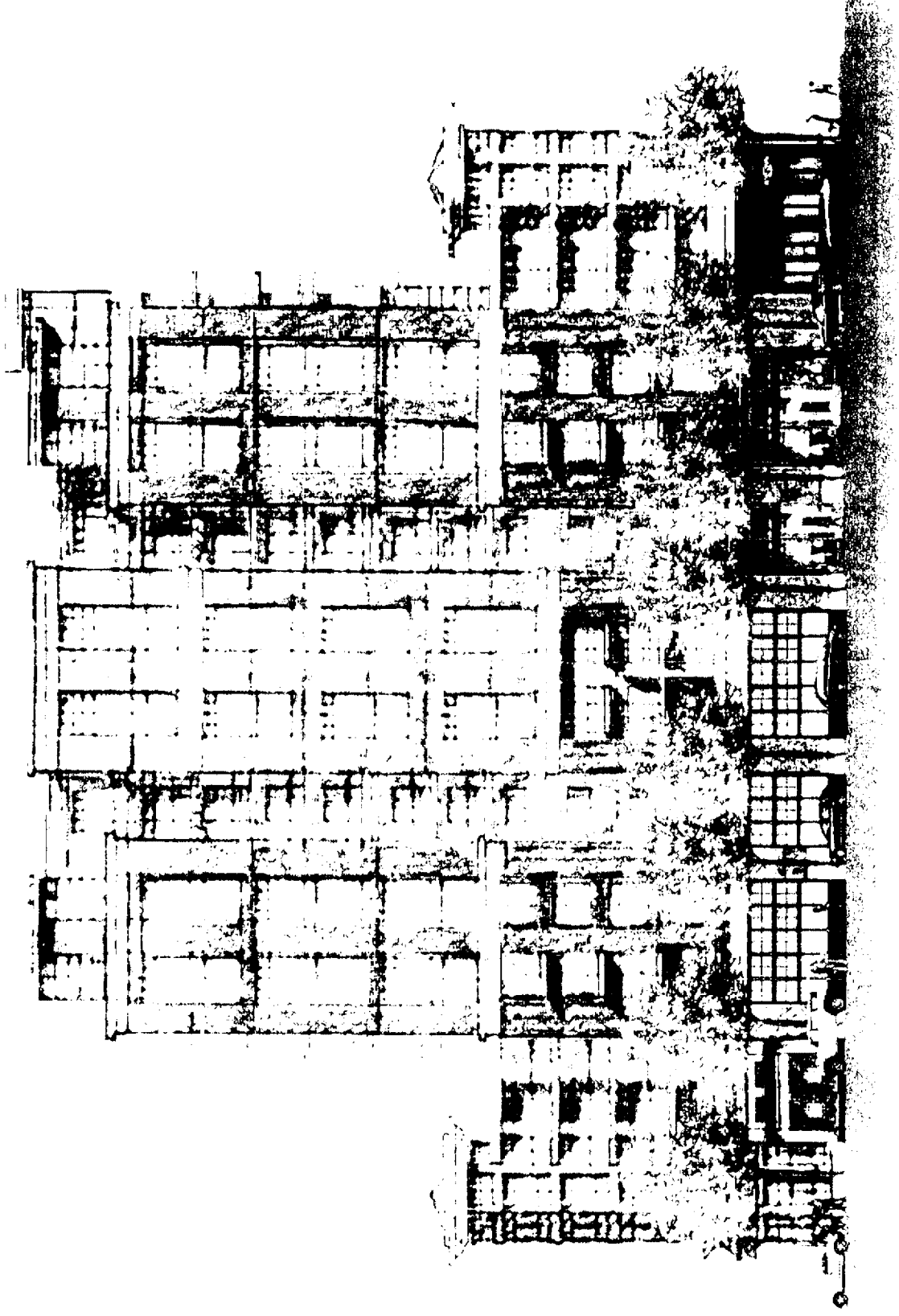
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PDP # 94-001

April 21, 2004

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AND DEVELOPMENT SERVICES

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Illustrative Middle Lane Elevation

Rockville Renaissance West, LLC

# ROCKVILLE TOWN CENTER

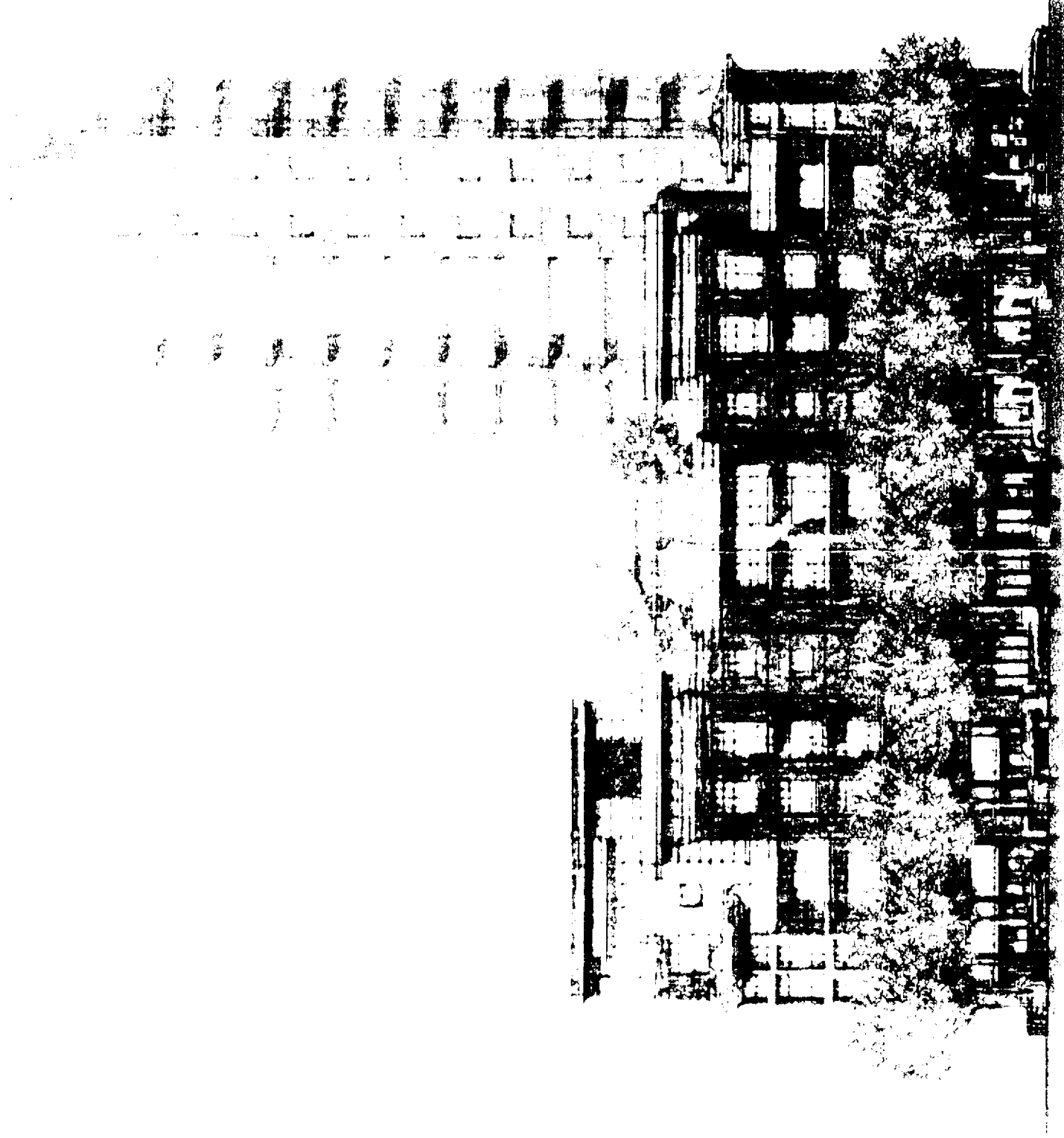
Rockville, Maryland

PDP # 94-001

April 21, 2004

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AND DEVELOPMENT SERVICES

COOPLER CARRY  
ATLANTA, GEORGIA



Illustrative East Montgomery Elevation

Rockville Renaissance West, LLC

# ROCKVILLE TOWN CENTER

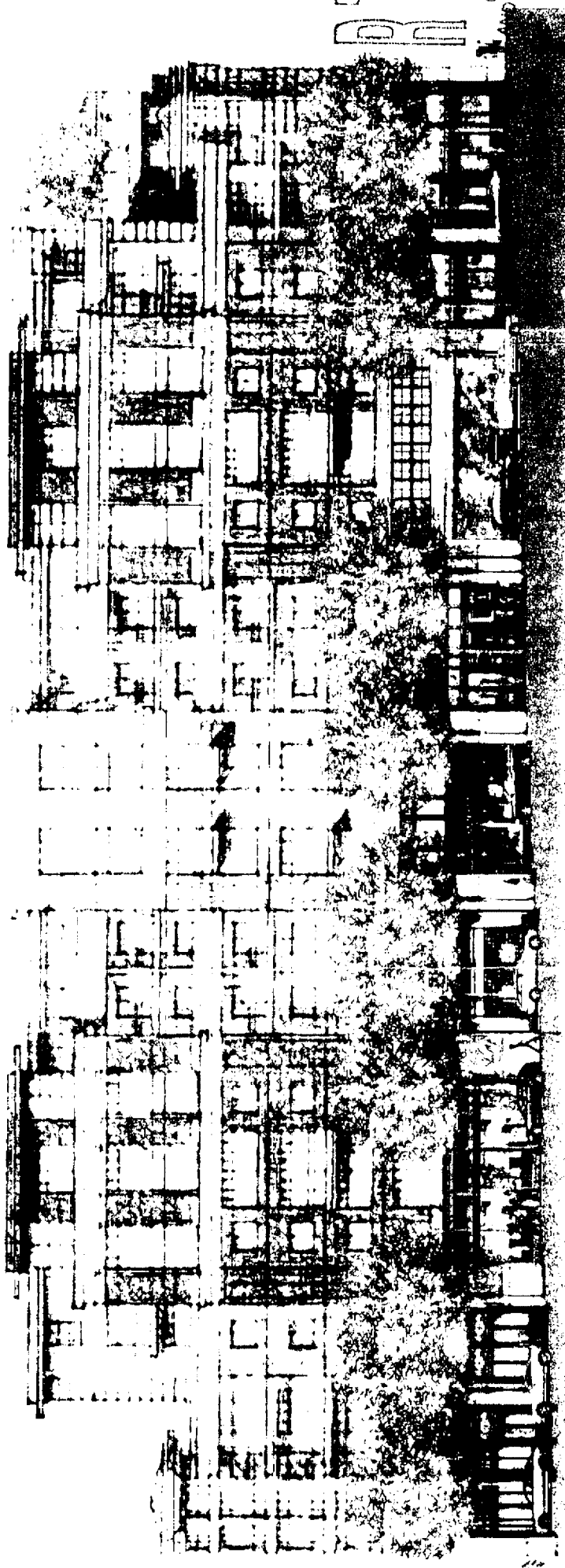
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Illustrative Maryland Avenue Elevation

Rockville Renaissance West, LLC

# ROCKVILLE TOWN CENTER

Rockville, Maryland

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